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EDITORIAL

The Government White Paper on ' Penal Practice in a Changing Society ' [1] is an important social document. It is concerned with the ' disquieting feature of our society that, in the years since the war, rising standards in material prosperity, education and social welfare have brought no decrease in the high rate of crime reached during the war; on the contrary, crime has increased and is still increasing'. At the same time, the White Paper makes it clear that it ' does not seek to deal with those deep-seated causes which, even were they fully understood, would be largely beyond the reach of Government action '. On the other hand, it ' looks forward to the possibility of a fundamental re-examination of penal philosophy ' on the strength of further knowledge to be gained through ' newly conceived research ' and the establishment of an Institute of Criminology. Here a distinction seems to be drawn between our understanding of those deep-rooted causes of crime which cannot be tackled by Government action and a new penal philosophy, apparently to be conceived and put into practice by the Government with the aid of criminological research. The question may arise—a question which cannot be further pursued here—whether a new penal philosophy, or indeed any penal philosophy deserving this name, can be divorced from understanding and action relating to the deep-seated causes of crime. Penal philosophy and action are also part and parcel of social philosophy and action.

After briefly sketching the statistical crime picture and the traditional ' weapons against crime '—police, criminal law, and the penal system—and announcing the much to be welcomed appointment of a Standing Committee on Criminal Law Revision, the subject of research is again taken up in the second section. The discussion is on lines similar to those followed in the Home Secretary's address to the last Annual General Meeting of the

[1] London, H.M.S.O., Cmnd. 645. Pp. iv + 32. 2s. 6d.

Institute for the Study and Treatment of Delinquency on 19th November, 1958.[2] Already in the course of the Third International Congress of Criminology, held in London in 1955, the distinction between ' inside ' and ' outside ' research had been touched upon,[3] and in his recent address Mr. Butler told the I.S.T.D. that there should be a sharing of research, not only because the Exchequer could not be expected to provide all the money required, but also ' because I believe that much of the best research is done outside the Government service '. The same view has now been expressed in well-balanced terms in the White Paper. ' Research is not necessarily best conducted by official agencies. The outlook, training and environment of the academic worker give him advantages in some kinds of research over the staff of a Government department. On the other hand, a department in daily practical touch with the realities of penal treatment, and with contacts and access to data not available to outside workers, has its own distinctive contribution to make. The work that is being done and planned is therefore being shared between academic and official agencies working closely together '. With all this we wholeheartedly agree, and we also wish to express our appreciation of the efficient manner in which ' outside ' workers have been advised and assisted by the Research Unit and other Home Office departments. No rigid line of demarcation can, of course, be drawn between ' inside ' and ' outside ' research, as between the two extremes of the purely private and the purely official types many different varieties may appear, or have already appeared in recent years in accordance with the needs of individual projects. As indicated in the paragraph just quoted, the division of labour envisaged is most likely to mean in practice that investigations of a more penological nature will tend to be made either entirely ' inside ' or as a mixed enterprise, whereas the general field of criminological research may be mainly left to the private worker. Indeed in certain instances no other course is possible ; the direct investigation of familial factors promoting delinquency, the mapping out of a pre-delinquent phase, the problems of prevention and the overlap between ' normal ' and ' criminal ' conduct call for extensive researches which must of necessity be conducted in social and individual fields outside penal institutions.

The impressive list of current research projects presented in Appendix B of the White Paper seems, with certain exceptions, to confirm this interpretation, although the absence of any detailed information on individual projects occasionally makes it difficult to determine their exact place on the chess board. Naturally, there is a considerable amount of overlapping between this list and the calendar of research regularly published in this Journal since

[2] The address was reproduced in full in the *I.S.T.D. Bulletin*, No. 27, December, 1958.
[3] See ' Summary of Proceedings ', London, 1957, pp. 19 and 152–3.

its inception and now including more than sixty projects. With regard to the techniques of research to be applied, it is stated in the White Paper that ' the Research Unit will apply the basic principles of scientific method and attempt to produce its results in quantitative terms ', wisely adding, however, that ' it will not cling to the methods of any particular discipline or school of thought, but will seek to provide answers to specific questions by whatever means appear most appropriate '. In the same section there follows a paragraph on the Institute of Criminology to be established at Cambridge and on the advantages expected from it.

By far the longest section deals with changes in the various forms of institutional treatment and it is this part which has, naturally, received the widest publicity.[4] Only the most important points can be indicated here. The network of Detention Centres will be greatly expanded so that as soon as possible all sentences of six months or less imposed on people under 21 may be of detention and not of imprisonment. Moreover, as foreshadowed in the Prison Commissioners' Report for 1957, for sentences of over six months and under three years it is proposed to integrate Borstal and imprisonment into a single system by providing an indeterminate sentence of training with a maximum of three years and a minimum of six months. This would be a further step toward the indeterminate sentence. As far as adult offenders are concerned, there is no undue optimism in the White Paper's assessment of the success of the present system, and again the need is stressed for further research into the causes of recidivism (there is no reference to the work of the London Congress on the subject). The well-known problems of the local prison, its overcrowding and general unsuitability for modern training methods are discussed at length, and proposals are made with the object of reducing the number of prisoners to be kept in such institutions and of providing better training facilities for those who have to remain. There is hardly anything new in the discussion of the vexed subject of prison-labour, but this is hardly the fault of the White Paper or of the Prison Commission. Of special interest are the rather critical remarks on the new form of preventive detention under the Criminal Justice Act, 1948, of which ' it is too soon to say whether this is achieving the results that Parliament had in mind '. Investigations on this matter are being carried out by the Research Unit, and after their completion ' it will be necessary to give very careful consideration to the whole concept of preventive detention and, should it be felt right to maintain it, to the detailed provisions under which it is carried out '. It is hinted that the sentencing policy of the courts may not be entirely on the lines

[4] Probation has unfortunately been excluded, but to make up for this omission the appointment has been announced of a Committee to survey the working of the probation service, as suggested in our Probation Number (*B.J.D.*, Vol. VIII, No. 3)

envisaged by the Act. While the results of this research will no doubt be illuminating, it has to be stressed that there is behind the institution of preventive detention one of the most intractable problems of modern criminal justice that can be adequately studied only against the whole background of international penal history and philosophy.

Some of the most encouraging paragraphs are devoted to the building programme of the Prison Commissioners, which is rightly described as one ' of formidable dimensions and great urgency '. The list of new institutions required is too long to be reproduced, but ' even if it was complete today there would still be over 1,500 men sleeping three in a cell in local prisons '; therefore more open prisons are badly needed. And, a point perhaps somewhat outside the scope of the White Paper, should there not be further attempts to reduce the numbers of short-term prisoners? Moreover, ' a school is a teacher with a building round him, not a building with a teacher inside ', and as this applies to prisons, too, the final problem discussed is that of staffing.

Reference is made to the late Miss Margery Fry's proposal to set up a scheme for the payment of compensation to victims of crimes of violence; the appointment of a working party to study the matter is announced, and an examination of its legal aspects appears in the list of research projects.

In conclusion, it can be said that the White Paper has admirably achieved its objects, ' to stimulate informed discussion of the intractable problems that have to be solved ' and also ' to serve, in some measure, as a chart by which we can plot our course in administering our penal institutions in the difficult years that lie immediately ahead of us '.

Dr. P. D. Scott's commentary on certain aspects of the Mental Health Bill brings home, not only how far we are advanced in the understanding of the pathology of abnormal behaviour and its social significance, but the dangers almost of going too far on the basis of new definitions and new psychiatric insights. There are clearly types who might well escape the attention and treatment they deserve on the wings of a definition. Scott with justice illustrates this on the subject of promiscuity. In a community far short of totalitarian it would be best not to define too pedantically nor to use language which might include anybody in this variegated society where the mores, particularly at the present time in matters of sex, are undergoing surprising changes. In fact, adolescent psychopathy is itself very changeable. Furthermore, to dispense with the judicial arm in decisions regarding necessary hospital admission, and indeed for treatment for what appears very indeterminate periods, would not be endorsed by liberal psychiatrists. Psychiatrists do not want to set themselves up as final arbiters of the signific-

ance of all forms of conduct. It will therefore be welcome to most psychiatrists if the rôle of the magistrate is retained as the guardian of social justice which must be applicable to the mentally aberrant as well as to the normal citizen. Scott has found the *mot juste* when he states that the operation of psychiatrists alone in the matter would be regarded as the operation of some minor criminal code. The magistrate was not a mere cipher who signed on the dotted line in certification, even in the old procedure. His presence was welcomed as a necessary corrective; his opinion was the voice of the common man concerned with the freedom of an unfortunate subject.

Havelock Ellis, whose birth centenary occurs this year, deserves a moment of remembrance from students of delinquency because of his pioneer work on sex, which perhaps led the modern movement in sexology. Unlike Kraft-Ebbing, he brought the varieties of sex conduct into the orbit of deviation away from the morbid and psychopathic. In 1894 he published 'Man and Woman', a study of human secondary sexual characteristics which was well received by anthropologists. His 'Psychology of Sex', in six volumes, covered all the deviations of sexuality with such objectivity and liberality of attitude that it became the banned book of the century.

It is natural to compare Ellis and Freud as pioneers in overlapping regions. How different they were all students know; in fact they knew it themselves. At first Ellis greeted Freud's work in recognizing the value of his theory of hysteria. But in 1913 Havelock Ellis declined membership of the London Psycho-analytic Society and later criticized Freud, cynically dismissing him as being 'really an artist'. How close the fields of Freud and Ellis were is shown by the fact that the latter was responsible for the terms 'auto-erotism' and 'narcissism'. But the dynamic understanding of the significance of these processes in mental development was left to Freud alone. Freud recognized the value of Ellis's unique case studies, but he added that they merely opened the door to deeper analytic understanding.

Through his book, 'The Criminal', Ellis became the pioneer in this country of Lombroso and his criminal anthropology, which made little headway, however, in the Anglo-American world. But this was not the outstanding feature of his work.

Ellis's literary studies touched on the lives and work of certain literary figures who were idol-breakers in their time through the freedom with which they discussed the emotional life: Nietzche, Zola, Casanova, Huysmann. But these studies were lacking in penetration. The insights into character which Freud had already provided escaped him. Perhaps, had he known his own character analytically, his major work might have remained unwritten. Nevertheless, we salute the pioneer.

HOMOSEXUALITY, CAPITAL PUNISHMENT, AND THE LAW

TWO QUESTIONNAIRES

By N. A. JEPSON (Leeds)

In the Introduction of its Report on Homosexual Offences and Prostitution the Wolfenden Committee stated :

> ' We have had to consider the relationships between the law and public opinion. It seems to us that there are two over-definite views about this. On the one hand, it is held that the law ought to follow behind public opinion, so that the law can count on the support of the community as a whole. On the other hand, it is held that a necessary purpose of the law is to lead or fortify public opinion. Certainly it is clear that if any legal enactment is markedly out of tune with public opinion it will quickly fall into disrepute. Beyond this we should not wish to dogmatize, for on matters with which we are called upon to deal we have not succeeded in discovering an unequivocal " public opinion " and we have felt bound to reach conclusions for ourselves rather than to base them on what is often transient and seldom precisely ascertainable.'

Whilst few would dispute the difficulties of not only ascertaining public opinion but also of first defining the term, and whilst it is not surprising that the committee discovered no unequivocal attitude towards the controversial problems they were investigating, it is surely of considerable importance to try to discover the degree of support particular laws or particular proposals for reform command, in so far as there is agreement on the contention that ' if any legal enactment is markedly out of tune with public opinion it will quickly fall into disrepute '. And for those especially who believe that a necessary purpose of the law is to lead or fortify public opinion it would seem equally desirable that the reactions of different groups within the community be tested.

The Questionnaire

As a contribution to the discussions which were to take place at a conference arranged by the Adult Education Department of Leeds University

on Part II of the Wolfenden Committee Report, an attempt was made to collect and analyse the opinions of adult students attending extra-mural courses organized by the Leeds Department in the West and North Ridings. The principal object of the questionnaire was to study the reactions to the controversial recommendation, ' that homosexual behaviour between consenting adults in private be no longer a criminal offence '. The survey was regarded as a mere pilot survey which might at best yield some interesting information about the views of a particular group of people, as well as stimulate thought upon the question. It is obvious that such a group cannot be regarded as representative of the public at large. Indeed, using the 1951 Census criteria regarding social class, it was found that of the male students who filled in the questionnaire over three-quarters belonged to classes II and III, whilst classes IV and V were hardly represented at all, comprising only some 5 per cent. of the total. The newspapers which the students claimed to read were also indicative of the fact that this was an unrepresentative group, since the daily newspaper with the largest circulation, the *Daily Mirror*, claimed a readership of only 6 per cent. among the adult students, as compared with 28 per cent. by the *Manchester Guardian* and 26 per cent. by the *Yorkshire Post*. But, in so far as these were adult students, the vast majority of whom were prepared to commit themselves to part-time courses of study lasting for a period of two or three years, and a considerable proportion of them were studying various branches of the social sciences and the humanities, the group might be regarded as part of the ' thinking ' public, who were at least conscious of the problems involved in the recommendation. Furthermore, there was within the student body a comparatively large number of persons belonging to particular professional or occupational groups, the nature of whose work might well heighten their concern in the problem and whose opinions were therefore of considerable interest, *i.e.* social workers, police and teachers. From a purely administrative and financial point of view it was also a very convenient group to circularize and offered the possibility of a reasonably high response rate.

In order to try to ensure a maximum response the questionnaire was made as short and simple as possible, no names were requested and personal details were limited to (1) MALE/FEMALE; (2) AGE; (3) PRESENT COURSE OF STUDY; (4) PRESENT OCCUPATION. Information about whether the student was married, whether a parent, what religious and political affiliations, if any, would have been of considerable interest, but it was decided that such details might, within the whole context of the questionnaire, have been resented. The questions in respect of the Wolfenden Committee report were confined to those relating to the source of information—whether through

the Report itself or/and the newspaper, wireless, television—and to the controversial recommendation of the Committee on homosexual behaviour between consenting adults in private. It was felt, however, for a number of reasons, that a comparison between the attitudes to the problem of homosexuality and to the equally controversial subject of capital punishment might be of some interest. Consequently two questions were posed about whether capital punishment ought or ought not to be abolished and whether it ought or ought not to be extended beyond the limits imposed by the 1957 Homicide Act. Since it was suspected that people might be more ready to answer questions on capital punishment than on homosexuality, the questions on the former preceded those on the latter and the whole questionnaire was entitled ' A QUESTIONNAIRE ON CRIME AND PUNISHMENT '.

Response

About 1,300 questionnaires were distributed by lecturers in November and December 1957 and January and February 1958. The response was considered reasonably good, although in a few classes the lecturers reported almost complete lack of interest and in one or two cases positive objection to the questionnaire being circulated. Eight hundred and sixteen replies were received, representing approximately 62 per cent. of the total number of students. Just over 500 of these were from men and just over 300 were from women, representing a response of some 65 per cent. by the former and 56 per cent. by the latter.

Knowledge of Wolfenden Committee Report. Approximately one out of every four students claimed to have read the Report or sections of the Report. This proportion was much higher than had been anticipated and one suspects that some who answered in the affirmative probably had only read printed extracts. The vast majority (95 per cent.) stated that they had read about the Report in the newspapers, which on the whole gave good coverage to the recommendations of the Committee. Slightly less than two-thirds (62 per cent.) had heard discussion of the Report on the wireless and some 40 per cent. had watched special programmes which were devoted to the subject on television. It is perhaps of some interest to note that the proportion of students claiming to have read the Report, read about the Report in the newspaper and/or listened to discussion on the wireless was very similar for men and women. The only marked difference lay in the case of television, where 46 per cent. of the men, as compared with only 29 per cent. of the women, stated that they had watched televised programmes on the subject.

Reform of Homosexual Law. In reply to the question 'Should homosexual behaviour between consenting adults in private be a criminal offence?' the overall result was as follows:

	Male	*Female*	*Total*
Should be a crime . .	41%	29%	37%
Should *not* be a crime .	47%	50%	48%
Undecided . . .	12%	21%	15%

The above figures confirm the acute division of opinion which was anticipated on such a controversial subject, with no clear majority on either side. One point of particular interest was a comparison of these figures with the results of a Gallup Poll printed in the *News Chronicle* on 10th September, 1957.

	Male	*Female*	*Total*
Should be a crime . .	49%	47%	47%
Should *not* be a crime .	41%	34%	38%
Undecided . . .	10%	19%	15%

It will be seen that whilst both sets of figures reveal the acute division of opinion with no majority on either side, the proportions contending that such behaviour should or should not be a criminal offence are almost exactly opposite. This may be partly due to the fact that the Gallup Poll was conducted immediately after the publication of the Report, whilst the other poll was held after two to five months had elapsed with time for thought and discussion. It seems much more likely, however, that it is a reflection of the composition of the adult student group as compared with the public at large. In both tables the proportion of people who were undecided is relatively but not surprisingly high, particularly among the females, of whom approximately one out of every five had not arrived at a clear-cut decision. The greater extent of indecision among the female students appears to be the main difference between their response and that of the male students, although a slightly higher proportion of women as compared with men were apparently convinced that homosexual behaviour in private should not be a crime.

Abolition/Extension of Capital Punishment. It has already been indicated that, as a matter of interest in their own right and as a point of comparison with attitudes to the problem of homosexual behaviour, questions were

included on capital punishment. The response of the group to the two questions on capital punishment was as follows:

(i) *Abolition of capital punishment*

	Male	*Female*	*Total*
Should be abolished . .	37%	41%	38%
Should not be abolished .	58%	48%	54%
Undecided . . .	5%	11%	8%

(ii) *Extension of capital punishment*

	Male	*Female*	*Total*
Should be extended . .	39%	26%	34%
Should not be extended .	50%	55%	52%
Undecided . . .	11%	19%	14%

Three points of interest may be observed from the above tables. Firstly, the adult student group can be divided into three roughly equal groups with regard to their opinions on capital punishment. On the one extreme, just over a third wanted the death penalty completely abolished; on the other extreme a third wanted capital punishment extended; whilst, in between, just under a third were either undecided on the whole issue or were apparently satisfied with the prevailing state of affairs. Secondly, comparing the tables on capital punishment with those on homosexuality, it may be seen that the extent of indecision on the question of the abolition of capital punishment was much less than on the question of homosexual behaviour, but approximately the same in respect of whether the death penalty should be extended beyond the limits imposed by the 1957 Homicide Act. The extent of indecision of the latter may, however, have been partly due, as indeed was indicated in some cases, to lack of precise knowledge about the provisions of the 1957 Act. Thirdly, a comparison of the three tables shows a similarity in the proportions of those who believed homosexual behaviour in private should be a crime (37 per cent.) and those who wanted capital punishment extended (34 per cent.). Likewise there is a similarity in the percentage of those who were opposed to homosexual behaviour being a crime (48 per cent.) and to capital punishment being extended (52 per cent.). The degree to which there is a correlation between the attitude to these two problems is revealed in the following tables.

Attitude to homosexuality	*Attitude to capital punishment*		
	Abolish	*Not abolish*	*Undecided*
Crime	19%	78%	3%
Not a crime . . .	54%	38%	8%
Undecided . . .	35%	49%	16%

Attitude to homosexuality	*Attitude to capital punishment*		
	Extend	*Not extend*	*Undecided*
Crime	55%	30%	15%
Not a crime . . .	21%	70%	9%
Undecided . . .	28%	47%	25%

Here it will be noted that approximately four out of every five who were opposed to the reform of the law relating to homosexuality were also opposed to the abolition of capital punishment, but were more evenly divided on the question of the extension of capital punishment, although a majority were in favour. Meanwhile, nearly three out of every four who supported the Wolfenden Committee recommendation were opposed to an extension of capital punishment, but more evenly divided on abolition though a majority was in favour.

Newspaper Readers

One of the encouraging features about the response to the Wolfenden Committee Report was the relatively good coverage of the report in the press, the majority of papers devoting considerable space not merely to the expression of opinion, but also to a factual statement of the Committee's recommendations and an outline of the reasons underlying these recommendations. Whilst in a few newspapers a predominantly emotional approach to the problems was clearly evident, it was also encouraging to find that overall there was a far more rational treatment of the subject than could have been expected fifty years ago.[1] Opinion of the press upon the

[1] The *Leeds Mercury*, for example, in 1895 commented on the conviction of Oscar Wilde in such terms as: ' He has been convicted of a crime that would make men blush for the depravity of their sex, if it were possible to believe that the canker had really entered into the civilization of the present day '. The *Yorkshire Post and Leeds Mercury* in 1958, on the other hand, whilst opposing the recommendation respecting homosexual behaviour in private, carefully examined the basic contentions of the Committee about the distinction between crime and sin and concluded: ' For our part we hope this document, though we cannot accept its findings on homosexuality, will not be shelved. It presents a challenge which Parliament should have an early opportunity of debating '.

controversial recommendation of the Committee was, not surprisingly, divided and, of the nine morning papers most widely read by this particular group, four came down in favour of the recommendation—the *Manchester Guardian*, *News Chronicle*, *The Times* and *Daily Mirror*; three were opposed —the *Yorkshire Post*, *Daily Express* and *Daily Mail*; whilst two tended to be non-committal—the *Daily Telegraph* and *Daily Herald.*

As far as the readers were concerned it might be noted in the first place that 60 per cent. recorded the reading of only one morning paper, 33 per cent. two papers and 7 per cent. three or more. The following division of the group into readers of different newspapers does not obviously indicate the extent to which readers are or are not influenced in their opinions by their newspaper, but the degree of coincidence between the attitude of the newspaper and that of its readers in this particular group is of some interest.

Newspaper	*Total*	*Crime*	*Not a Crime*	*Undecided*
Manchester Guardian	226	19%	66%	15%
Yorkshire Post	214	38%	45%	17%
Daily Express	150	53%	35%	12%
Daily Telegraph	117	31%	55%	14%
Daily Mail	102	53%	24%	23%
Daily Herald	90	51%	34%	15%
News Chronicle	90	34%	50%	16%
The Times	56	32%	55%	13%
Daily Mirror	49	47%	35%	18%

Three points arising out of the above table might be noted. Firstly, whilst divisions of opinion are apparent among the readers of each and all of the newspapers, of the seven newspapers with clearly defined views, the balance of opinion among the readers of five was in sympathy with that expressed by their newspaper, but in the case of two—the *Yorkshire Post* and *Daily Mirror*—this was not the case. Secondly, the readers of the Liberal press were on balance in favour of the Committee's recommendation, readers of the Labour press on balance opposed and readers of the Tory press divided on the basis of the ' popular ' press (opposed) and the ' weightier ' press (in favour). Thirdly, and probably of greatest significance, is the fact that the readers of the ' weightier ' papers— the *Manchester Guardian*, *Yorkshire Post*, *Daily Telegraph* and *The Times*— were on balance in favour of the recommendation (a clear majority in three cases), whilst the readers of the ' popular ' press were, with the exception of the *News Chronicle*, on balance against the recommendation (a clear majority in three cases).

Age Groups

Five per cent. of those who filled in the questionnaire refused to divulge their age and it is perhaps superfluous to add that the vast majority of these were women.

Age	*Total*	*Crime*	*Not a crime*	*Undecided*
– 25 . .	86	41%	44%	15%
26 – 30 . .	130	35%	49%	16%
31 – 35 . .	142	39%	46%	15%
36 – 40 . .	110	25%	58%	17%
41 – 45 . .	106	33%	55%	12%
46 – 50 . .	77	39%	48%	13%
51 – 55 . .	57	39%	49%	12%
56 + . .	63	43%	36%	21%
Not stated .	45	53%	24%	23%
Total . .	816	37%	48%	15%

It will be observed that among the various age groups the degree of support for the recommendation of the Wolfenden Committee varied by some 22 per cent. from a minimum of 36 per cent. to a maximum of 58 per cent. It is not perhaps surprising to find that the greatest amount of indecision and the least support for the Committee's recommendation came from the oldest age group, those over 55. It is rather more surprising to note that after this age group the greatest degree of opposition came from the other end of the age scale, those under the age of 25, although the balance of opinion in this group was slightly in favour of the report. It should be noted, however, that within this younger age group much greater opposition came from the female than from the male student. Maximum support for homosexual behaviour as such being no longer a crime came, it will be seen, from the middle age groups, 36–45, and particularly from the 36–40 age group, where only one in four wanted to retain it as a crime. A similar table in respect of attitudes towards the abolition of capital punishment reveals that variations among the age groups in the degree of support for change is not so marked, with a difference of only 15 per cent. between a maximum of 44 per cent. and a minimum of 29 per cent. in favour of abolition. Two points of similarity between the two tables would appear to be that the least support for change came from the oldest age group and the greatest from those between 36 and 40 years of age.

Social Class and Occupational Groups

It has already been indicated that, using the criteria of the 1951 Census,

this group of adult students was characterized by the virtual absence of people from social classes IV and V. Within the three classes that were represented, however, support for the Wolfenden Committee recommendation appeared to increase with social class status, less than one in two (44 per cent.) of class III supporting reform, exactly a half of class II and almost two-thirds (65 per cent.) of class I. The trend was less obvious with respect to capital punishment, although support for abolition was lowest in class III—32 per cent. as compared with 44 per cent. in class II and 37 per cent. in class I. The predominance of particular occupations—social workers in Class II and police officers in class III—however, reduced still further the significance of a comparison between the social classes represented.

(i) *Attitude towards homosexuality*

Occupation	*Total*	*Crime*	*Not a crime*	*Undecided*
1. Teachers	112	32%	47%	21%
2. Social workers	70	30%	59%	11%
3. Other professions	83	33%	52%	15%
4. Police	66	62%	27%	11%
5. Industry/trade—management	45	40%	44%	16%
6. Industry/trade—workers	108	47%	38%	15%
7. Local/Central Govt. officials	77	30%	62%	8%
8. Clerical	100	36%	47%	17%
9. Housewives	91	29%	55%	16%
10. Miscellaneous	64	34%	42%	24%
Total	816	37%	48%	15%

(ii) *Attitude towards capital punishment*

Occupation	*Total*	*Abolish*	*Not abolish*	*Undecided*
1. Teachers	112	33%	56%	11%
2. Social workers	70	57%	36%	7%
3. Other professions	83	36%	59%	5%
4. Police	66	14%	86%	—
5. Industry/trade—management	45	38%	55%	7%
6. Industry/trade—workers	108	42%	51%	7%
7. Local/Central Govt. officials	77	39%	58%	3%
8. Clerical	100	38%	49%	13%
9. Housewives	91	46%	42%	12%
10. Miscellaneous	64	36%	59%	5%
Total	816	38%	54%	8%

The value of a comparison of attitudes according to occupations was also limited by the relative smallness of the sample, but there were a few occupations which were reasonably well represented and which were of particular interest since they were concerned either with the enforcement of the law, or the treatment of the law-breaker or the welfare of the young.

Before more particular attention is paid to the opinions of teachers, social workers and police, reference might be made to some of the more general categories of occupations. Apart from the police it will be seen that the least support and the greatest opposition to the Wolfenden Committee recommendation came from the *workers in industry and trade*, a group consisting of 90 per cent. men, a group which, however, ranked third in support for the abolition of capital punishment. The group with the greatest support for the Wolfenden Committee recommendation was that consisting of local and central *government officials*. This group again consisted of over 90 per cent. men, but one factor which should be borne in mind is that some of these might equally as well have been classified as social workers had more occupational details been given. On the other hand, their response to the question of capital punishment was in no way parallel to the response of the social workers and indeed represented one of the groups most opposed to its abolition. Those women students who classified themselves as *housewives* provided the nearest approach to a comparison of the attitude of married/single, parent/non-parent and consequently the division of opinion has an added interest. The 'housewives' represented approximately a third of the total number of female students and their response to the homosexuality question proved to be little different from the female student group as a whole. Their attitude to capital punishment was, however, slightly more weighted in favour of abolition. Turning to the more precise occupations such as teachers, social workers and police, it will be seen that the response of the *teachers* to the homosexual question was roughly that of the group as a whole, with the above-average amount of indecision partly due to the fact that women teachers outnumbered the men by three to two. Whilst there was a greater number of both male and female teachers supporting the Committee's recommendation than opposing it, the average resulted from a higher degree of support from male teachers (50 per cent.) than female teachers (46 per cent.). Meanwhile, among *social workers* there was, perhaps not surprisingly, a clear majority in favour both of a change in the homosexuality law and the abolition of capital punishment. The term social worker, however, is a very broad one and, although further subdivisions of this group reduce the numbers to an absurdly low level, it may be noted that of the twenty-two probation officers included in the group 77 per cent. supported the Wolfenden Committee recommendation and 73 per

cent. advocated the abolition of capital punishment, whilst the corresponding figures for the nineteen prison officials in this category were 37 per cent. and 42 per cent. In so far as it is possible to generalize at all, it is perhaps significant that the response of the prison officials lay between that of the probation officers and that of the police. Almost two-thirds of the *police* in the adult student group were opposed to a change in the homosexuality law and an even greater proportion, more than four out of five, were against the abolition of capital punishment. The marked opposition of the police to change in these two spheres was even more pronounced in the follow-up to this particular survey. A series of lectures given to the majority of members of a particular police force provided the opportunity to circulate the questionnaire which was in fact answered by approximately 80 per cent. of the force. Here there was a practically unanimous verdict (97 per cent.) against the abolition of capital punishment and almost as big a percentage (94 per cent.) for its extension. With regard to the recommendation of the Wolfenden Committee, 88 per cent. were for retaining the act as a crime, only 6 per cent. were for changing the law and 6 per cent. were undecided.

Whilst these latter results are not likely to occasion surprise they are probably the most important, for they re-emphasize the need for more detailed study of the attitudes of those occupational groups which are concerned with the implementation of the criminal law in all its aspects. Much time and considerable resources are being and are likely to be spent upon analysing the criminal population ; perhaps a little should be devoted to the study of those whose job it is to enforce law and supervise the law-breakers. It may be inevitable, indeed even desirable, that different groups should have radically different attitudes, but if there is to be the maximum amount of co-operation between these groups, these differences and the factors which give rise to them should be more carefully studied if genuine and mutual understanding and respect are to be achieved.

APPENDIX

ADULT STUDENTS

PUBLIC OPINION QUESTIONNAIRE ON CRIME AND PUNISHMENT

Please return the completed form to the distributor. If this is not possible, please send it to 'Public Opinion Questionnaire', The Department of Adult Education, The University, Leeds.

QUESTION	ANSWER
(i) MALE/FEMALE? . . . (ii) AGE? . . . . . (iii) PRESENT COURSE OF STUDY? (iv) PRESENT OCCUPATION? .	

Please answer the following questions by ticking (√) the appropriate answer in the final column.

QUESTION	ANSWER	(√)
1. Have you read the Report of the Royal Commission on Capital Punishment (1953)?	Yes	
	No	
2. Do you consider that the use of capital punishment should be extended to other types of murder than those specified in the Homicide Act (1957)?	Should be extended	
	Should NOT be extended	
	Undecided	
3. Do you consider that capital punishment should be completely abolished in this country?	Should be abolished	
	Should NOT be abolished	
	Undecided	
4. Have you read the report of the (Wolfenden) Committee on Homosexual Offences and Prostitution (1957)?	Yes	
	No	
5. Have you read about the (Wolfenden) Committee Report in the newspaper?	Yes	
	No	
6. Have you heard discussion of the (Wolfenden) Committee Report on the wireless?	Yes	
	No	
7. Have you heard discussion of the (Wolfenden) Committee Report on television?	Yes	
	No	
8. Do you consider that homosexual behaviour in private between consenting adult males should continue to be a criminal offence?	Should be a crime	
	Should NOT be a crime	
	Undecided	
9. Please indicate what daily newspaper(s) you normally read :		

STATUS AND GROUPING IN A BORSTAL INSTITUTION

By GORDON ROSE (London)

This is the third and last in a series of articles in which the results of a study of grouping amongst boys at North Sea Camp Borstal Institution are presented.[1] Something has already been said in the first two articles about the camp and about the methods used. It is only necessary, therefore, to recall briefly that these results are based upon a monthly statement made by each housemaster about grouping in his own house, and assessments of position in the group or out of it, made at regular meetings of the senior staff, at which also certain general judgments regarding the personality of the boy were made upon a prearranged code. The writer added to each record a number of details from the boy's official folder. The fact that the study, which lasted from December 1952 to December 1954, was in process was not communicated to the boys.[2]

There are, in sum, 316 individual records relating to boys who were in the institution at any time during the two-year period. In many of these, however, staff recording covers a minor part of the boy's career, and I have selected from them those which are complete or nearly so. There are 161 boys who arrived in the institution from September 1952 onwards, or were discharged not later than March 1955; 107 complete and 54 nearly complete records. I refer to these as ' the sample ', but, in fact, for the middle of the period they constitute a census.

Since absconders often stay for very short periods before transfer, these would have been over-represented if all of them had been included and there would also have been a considerable element in which very few recordings have been made. The number of records of boys transferred has thus been reduced in the sample to the same proportion as in all the records collected

[1] The first two were 'The Sociological Analysis of Borstal Training,' *Brit. J. Delinq.*, Vol. VI, No. 3, January 1956; and ' Sociometric Analysis and Observation in a Borstal Institution,' *Brit. J. Delinq.*, Vol. VI, No. 4, April 1956.

[2] I am very much indebted to the staff of the Institution, and the housemasters in particular, for doing a great deal of work upon the project. Most of the data were collected by them. I am also indebted to the Director of Borstal Aftercare for providing me with details of subsequent careers. These are based upon a two-year follow up period, with the exception of a few of those transferred to other Borstals who were discharged long after the other boys.

(20 per cent.) by using those who fall within the stated limits and who stayed longest. This may have introduced an element of bias. There are thirty-two transfers in the sample.

It should be pointed out, also, that this method of taking a sample might well lead to some bias against those staying longer periods in the institution. In fact, the distribution of time spent in the institution, excluding transfers, corresponds almost exactly with that of all boys discharged from the Camp in 1953 and 1954. The mean in both cases is 12·6 months.

Most of the general information given refers to the sample, but data from the rest of the records have been used wherever it seemed desirable; mainly in supplementing the small numbers in particular categories.[3]

Leaders

There are, in the sample, thirteen boys who are recorded as leaders for a consecutive period constituting more than a third of their time in the institution. In addition there are three others who are recorded as leaders for all (in one case all but one) of their incomplete records and would clearly qualify by this standard. Only one of the thirteen boys for whom we have complete records is shown as a leader for as much as two-thirds of his training period, but most of them have the designation for a third to a half of the period, always the latter part.

These leaders undoubtedly are those considered by the staff to be most influential in the inmate community. Their most obvious characteristic is that, except in one case, they all led groups which were thought in general to be a bad influence in the community; an influence directed against authority and likely to be disruptive. Apart from this it is difficult to generalize, and this is not surprising in view of the possible range of relationships between leader and group.

There are, however, two observations which arise from a study of the records. In the first place, a good deal of emphasis is laid by the staff upon the question of calculated behaviour. In a number of cases opinions are expressed in which the words ' good prisoner ' or ' controlled performance ' frequently appear. The implication is that, while the boy is thought to be strongly anti-authority, he conceals this, more or less successfully, and works and behaves reasonably well. The staff find it very difficult to put the basis of these impressions into words, and the matter clearly needs much clarifying discussion, but the impression is strong and may well be reinforced by breakdowns in behaviour. Somewhere or other in the boy's actions

[3] The test of significance is, in most cases, Chi-square, corrected, where appropriate, by the method given by Fisher and Yates. The significance level is $P = 0{\cdot}01$.

there is an apparent conflict between what he does and what he is believed to think.

A certain amount of controlled behaviour is apparent in many boys, since it is essential to behave well when one reaches Grade III in order to get out. This can be regarded as good or bad according to previous history. For a boy who has suffered from violent outbreaks of temper or immature impetuosities, it may indicate an achievement of desirable control. For a boy who has consistently set his face against authority it may be no more than conformity. There is, however, a difference between the boy who achieves either maturity or conformity and the boy whose actions are calculated throughout, although in practice it is sometimes difficult to distinguish between co-operation and calculation, maturity and conformity.

There is a strong element of exhibitionism in many leaders. They respond to the pressure of public opinion by demonstrations of defiance and open resistance and by doing so win adherents. The monotony with which such boys failed demonstrates a form of maladjustment beyond the capacity of this institution.

A second observation is that attitudes to leaders on the part of the staff vary considerably. Thus, of one boy: ' At first appeared to be typical Liverpool rowdy who intended to mix with the worst elements. Warned and took the advice. Has been decent, helpful and active in Camp affairs '; and of another: ' Very questionable, doubtful morals, outsize chip on shoulder . . . has very unhappy and unpredictable temperament, part of which is outbursts of uncontrollable rage.' It is possible to make a rough division between those considered ' better ' and ' worse ', although ' better ' does not, of course, mean that they are considered to be the ' best ' in the Camp. This would put eight boys in each class, of whom three of the ' better ' boys failed and seven of the ' worse '. The three whose performance was controlled are all ' worse ' boys.

There is another type of leadership which is of less importance in the institution, but worth mentioning. The situation here is that a group of the more passive boys, the weaker characters or the partially rejected, is formed, and one of their number emerges as leader. This is not so much due to the positive characteristics one sees in other types of leader, but to less pronounced negative characteristics. The influence of this type of leader is invariably confined to a small group and is transient.

The Evidence for Leadership

There are too few leaders to make any very satisfactory statistical comparisons either between leaders and followers, or leaders and the sample as a whole. Apart from the very much lower opinion that the staff have of leaders,

there are only slight differences in the direction of a worse criminal background and homes in large industrial towns. There is, also, little obvious similarity between the detailed careers of the leaders themselves. Nevertheless, a great deal of importance is given to leadership of an anti-authority nature in the institution, and it is essential to amass some evidence of how leadership is detected by the staff.

The chief symptoms of authority seem to be these:

(1) *Other boys do things for the leader.* He does not appear at the Canteen, but someone else buys for him; if there is anything to be collected and the staff allow it, someone else will collect for him.

(2) *He is consulted before action is taken.* If a question is asked of a group of boys, nobody ventures an opinion until he does, or if they do and it is at variance with his, it is hastily withdrawn. If an announcement is made in the dining room, all eyes turn to certain tables to see how the leaders are taking it.

(3) *Precedence.* The leader is well up in the dining room queue, or in any other queue, and others give way to him. He is at the front or back of the church parade. He sleeps in a preferred bed in the dormitory, generally a corner bed.

(4) *Dress: he is generally a leader of fashion also.* Much variation in hair style and the way in which issue clothing is worn is tolerated, and this can be very revealing in respect of leadership.

(5) *Reactions of others to him.* When he appears in the dormitory or the day room there is a certain amount of constraint apparent.

(6) *Reaction to staff orders.* An instruction issued in public by a staff member is something of a test for a leader. He must demonstrate to all and sundry that he is his own master and careless of staff authority and institution rules, but at the same time it is not in his own interest to get into trouble. There are various solutions to this, dependent upon the type of order, the way in which it is given and the leader's adroitness. The sophisticated and better-controlled leader will strike the right note of cheerful compliance, while indicating to his companions, and incidentally to the perceptive staff member, that he does so because he prefers to humour the vagaries of institution rules rather than from necessity. The less sophisticated leader will glower or protest—and thus often find himself on report, a situation which he presumably presents to his followers as unjust persecution.

(7) *He gives orders.* This is rarely detected by the staff directly. It may be that his voice is heard, in dining room or dormitory, calling ' Oi, Smith!' and Smith hurries over. One housemaster did, in fact, sit in the covering darkness of the cinema behind a known leader whom he heard giving instructions to his lieutenant, but this was the rarest of chances.

(8) *Misfortunes do not befall him.* Other boys' possessions may disappear but his do not, or if they do they are replaced with rapidity. He is never omitted from the team in any game in which he claims any prowess, unless, of course, the captain is a rival leader.

(9) *Opinion changes when his does.* When the leader becomes rather more co-operative and compliant, his whole dormitory follows.

(10) *He is expected to back his followers.* An accusation against a follower tends to be answered by the leader.

(11) *Direct evidence from other boys.* There are always lads who do not like the leader or have fallen foul of him. The more admirable among them would not reveal this to a member of staff under any conditions. There are always, however, less strong minded characters, not necessarily deliberate informers, who will either give the situation away under pressure or inadvertently. Members of staff are told 'If it wasn't for —— things would be much better in this house'. or '—— is causing all the trouble'. Such admissions are dangerous, however, and the wise housemaster tries to ensure that they are made in private and that no pointer is given regarding the source of the information. Unfortunate accidents can happen to those who are thought to be squealers.

(12) *Personal characteristics.* The leader is often more fluent in speech, influential in argument and ready to speak up when he thinks he ought. Experience, especially of crime and of the West End, or particular parts of other large towns, physical ability, and special knowledge of something of interest to other boys, e.g. jazz, sport, are often present. These sometimes go with more advanced age or superior intelligence, but by no means always.

Reference has already been made to calculated behaviour. This tends to lead to a restriction in numbers of adherents and general influence if it goes too far. The leader must openly demonstrate his position, otherwise he tends to become less popular amongst his peers. There seems to be a happy medium in this respect which it is hard to strike, since, at the other extreme, a leader is likely to lose adherents if he is too openly against the government, since this brings opprobrium not only upon himself but upon those who consort with him.

On the other hand, leadership is sometimes achieved by reason of unpredictability of temper. The boy who may at any time burst into violence is someone to be reckoned with, and occasional defiance of authority, even if no more than a display of unreasoning anger, gives added prestige. Such leaders, however, tend either to be too unstable to retain a following, or they gather a small following only.

Evidence of the kind set out above must inevitably be a matter of degree and of recognition by the staff. There is apparent amongst them a stereotype of the anti-authority leader which, like all stereotypes, only partially accords with reality, but against which evidence of the sort outlined above is measured. This stereotype tends towards the controlled, calculated boy, who is in fact rare. It is, inevitably, difficult for the staff to discover what exactly is happening in the inmate community, and this means that the evidence is almost always fragmentary and inadequate. How far there is a clearly substantiated case, and how far it is one built upon a few facts and a general feeling is not easy to discover.

One other point needs only to be mentioned here as it will be referred to elsewhere. There are practically no pro-authority leaders of persisting influence. Does this mean that certain types of evidence are not seen or disregarded? Or is it a reflection of the true state of affairs?

Lieutenants

There are eight cases in which the designation of lieutenant predominates. In six of these the connection with a specific leader is clear, and in three cases it is the same leader. It appears also that one leader may have several lieutenants and one lieutenant act for several leaders. Interest in these cases centres mainly around this relationship of lieutenant to leader. There is a general similarity between the careers of leaders and lieutenants in the institution even if they do not arrive at the same time. The lieutenants tend to be junior to the leaders as institution inmates: in one case they arrived together, but in all the others the lieutenants arrived afterwards. Though in adjacent beds in only two cases, they are invariably in the same dormitory. In three cases they were on the same table in the dining hall; but they are not in general on the same work parties. They spend similar periods in the institution. Their conduct, as measured by the number of appearances before the Governor, is not consistently similar or dissimilar, and the same may be said of their previous and subsequent careers.

In the view of the staff, lieutenants are what one of them described as 'bag-carriers' and another as 'strong-arm men.' They do most of the fetching and carrying for the leader; they are seen in earnest and deferential conference with him, and sometimes in conference subsequently with members of his group; they back him up when his authority is questioned by boys or staff. The general feeling amongst staff is that they do the dirty work while the leader stays in the background, but this is not borne out by a comparison of *detected* misdemeanours. One notes here again the stereotype of controlled leadership. On the whole, however, they are less well controlled boys whose overt mien and actions make their behaviour more obvious to the staff.

Leader Aspirants

These fall into three classes: those who succeeded in their aspirations, those who abandoned them in favour of lieutenancies, and those who failed. There are nine cases in the first class, demonstrating that, as we should expect, the aspiring leader does not always achieve ascendancy with ease. In the second there are two cases, though one did in fact achieve a brief period of leadership right at the end of his stay. The third category are those with whom we are mainly concerned here. Of those with complete or nearly

complete careers there are five who are recorded month after month as aspirants, the shortest being for five months and, in all cases, the designation being used for about half their careers. There are thirteen other cases in which the designation appears for shorter periods. Eleven of these are members of groups who, occasionally, are thought to have been looking for the laurel of leadership. The other two are boys who were rejected and who were trying, with occasional success, to make friends and influence people. There are in addition five boys who were transferred after short periods in which they aspired to leadership, and would no doubt have attained it but for their summary despatch.

Why do others succeed where these boys fail? It is, of course, partly a matter of luck in the type of boy with whom they mix. In another place, or at another time, they might lead without difficulty. But they appear also to possess irritating traits likely to prevent them from achieving wide popularity. Three of the five cases suffered from some form of argumentative egocentricity. In one case it was political, an unusual trait for a Borstal boy; in another it led to very bad sportsmanship, perhaps not so uncommon, but giving rise to unpopularity; in the third it was a cover for extreme immaturity and childishness. A fourth case was described as ' living most of his life in violent fantasy ' and combined this with petty displays of temper and periods in which he was unpleasantly domineering. The information available concerning the other boy is scanty, and what there is gives no indication of the reason for failure to lead.

None of these things are, of course, conclusive; such traits exist in other boys. It is the combination of a wish to dominate with the inability to command or compel a following, due to some personal inadequacy, which distinguishes this particular type of boy. Perhaps this is also partly responsible for the fact that all but one were subsequently reconvicted.

Followers

These were divided into two classes: followers from choice and weak followers. It was felt that a distinction should be drawn between the boy who not only participated in group activities but was fully accepted, and the boy who was tolerated as a hanger-on, but who counted for little in the eyes of his mates. In the event, the category of follower from choice became a repository for all cases which did not fit comfortably into the other categories.

The weak followers are divided between those where this category is combined with the previous one of follower from choice, and those in whom the combination is with some category denoting non-membership, or at least

lack of dependence upon group aims and values, the latter comprising thirteen of the twenty-four in which the designation appears three or more times. Rather than examining this category as a separate class, I propose to treat them either as followers or non-members as the case may be. Many of them are, in fact, associated with the next class to be considered, namely, independents.

Independents

This describes a type of boy who, while he may mix quite freely and is certainly not rejected, has no wish to become involved in a group. The reasons for this vary. Sometimes it is due to preoccupation with personal problems which are all-absorbing; sometimes it is a sign of maturity and strength of character in that the boy has no need to depend upon the support of his peers. This is regarded as a particularly hopeful situation by housemasters, who argue that if a boy can stand up to anti-authority group pressures at the intensity produced by the confined atmosphere of the institution, he can stand up to them outside. Another type is the pleasant and well-intentioned but very stupid lad who drifts through the institution without apparently much impulse to do anything other than what he is told to do by the staff. The category also sometimes appears towards the end of the careers of very anti-authority boys when strong staff pressure has made them cautious in their own behaviour and too dangerous to know.

There are nine boys who have this designation for the major part of their stay. In five cases the reason is the second of those given above: strength of character and maturity of outlook and a general pro-authority tone. Only one of these failed after discharge and this was a case of recall without conviction. In a sixth case the boy was a ' big, harmless oaf ' who had somehow got into the Grenadier Guards, could not live up to the standards required, went absent and committed a number of offences. Apart from a certain childishness he was felt to be non-criminal; but he was subsequently reconvicted three times and recalled in the two-year follow-up period. In the seventh case the boy started off as an isolate, rejected by his fellows, but training was for him an education in social relations and he passed through a long period in the independent class to end up in the follower class. He was believed to have progressed greatly. He was reconvicted once in the follow-up period, but this might well be interpreted as an improvement since he had a long history of offending. The eighth boy was an example of the preoccupied type; he was completely wrapped up in his own family troubles and uninterested in others. He was not rejected, especially as he was intelligent and good at games, but preferred to plough a lonely furrow. He was

reconvicted and recalled. The last of this group was only at the Camp for six months, after which he was transferred as a result of a second absconding. He also was largely wrapped up in his own troubles, the source of these being a badly scarred leg, the result of an accident in childhood, about which he was abnormally sensitive. He subsequently did very well at Gringley Camp and was not reconvicted.

Another class of boys who ought to be included under this heading are those who exhibit combinations of weak follower and independent codings. They are obviously much the same kind of boy as those just described. Of seven boys in this group, five are the ' good type of boy ' mentioned above, although strength of character is less emphasized. Only two of them were successful afterwards.

It is clear from what has been said that this group is regarded very largely as containing ' good ' boys. Their records of performance and the judgments made upon them by the staff are rather ' better ' than those relating to boys concerned in groups and to the sample as a whole. This is reflected to a lesser extent in their backgrounds, which, comparing them with boys in groups, show only slightly less criminal careers, and less running away (but there was less need to do so). They do not come less often from the larger towns, but only two are from London and one from Liverpool. There is also a higher rate of physically broken homes, which might be associated with a tendency to be concerned with one's own internal conflicts. Differences which reach significance level relate to institutional careers and judgment and expectations of the staff, e.g. number of times brought before the governor on report, time in training, good leading characteristics,[4] and an optimistic diagnosis. Their record of 50 per cent reconvictions is better than the 62 per cent of those in groups, but a comparison of the figures shows that the difference is not significant at the level adopted. It is the same proportion as in the sample as a whole.

The Rejected

Originally, three main classes of the rejected were distinguished—the would-be leader, the friendship-seeker, and the isolate proper. In practice, these proved very difficult to identify clearly. The would-be leader was intended to cover those who wished to dominate but were completely rejected, the extreme case of the failed leader aspirant, but the distinction was one of degree and not easy to make, and in the event the designation was

[4] ' Leading characteristics ' was one of the classifications used; 'good' here signifies qualities approved by the staff.

used very little. Only one boy clearly fell into this class. He combined a domineering truculence with strong feelings of persecution and was described as ' fiery ' and ' prickly.' The result was that practically no one could get on with him, though he did become friendly with one boy for a time. He did, however, gradually make a better adjustment to living in community, very important in his case as he was due to return to the Army, and this seems to have been true progress as he has not offended again. His previous work record was good and his criminal record light.

The friendship seekers were a more obvious class, although still not always easy to distinguish. There are three boys who were placed in this class for the major part of their careers, none of them subsequently successful. Of these, one was almost an ideal type for the class. 'Constantly seeking recognition and approval but seldom finds either.', ' utterly boring as a companion,' ' insatiable talker with nothing to say' are comments made upon him. He was constantly seeking something from staff and boys which they could not give him. Thus he constantly made and lost friends. This unhappy lad, rejected inside and outside the institution, was again convicted of a minor larceny twenty-one months after discharge.

The third and most obvious class were those who were entirely or almost entirely on their own. Of the six boys who spent most of their careers in this category, two in fact had quite long periods of friendship with one other lad, but they rank as isolates since they are otherwise completely rejected. Five of the six were transferred from the Camp for absconding; three of these were not at the Camp very long. All but one failed subsequently and he was so long in training that the full two-year follow-up period has not elapsed at the time of writing. Three of these are noticeably eccentric characters, described by the boys themselves as ' a nut case ' or ' round the bend '. Their behaviour was odd, uncertain, and often childish and this was patently obvious to staff and boys alike. They absconded and were transferred, partly because of this and partly because of their odd behaviour.

It is obvious from the above that, in the institution, the rejected tend to fail, and that it is not, in the main, because they are badly allocated, since they also fail when transferred and after discharge. Including a marginal case there are twelve failures amongst sixteen rejects. Although they are given much staff time and attention, it is clearly beyond the ability of Borstal as at present organized to cope with many of them. Where rehabilitation takes place it is often as much a matter of luck as of good judgment. They are not so much anti-authority as incapable of coping with other people at all. Their criminal records are rather worse than those in groups or the sample as a whole. They abscond more and they more often commit offences on their own. They have also more often lost one or both parents for one

reason or another. They are confused, unhappy, and lonely boys who, even at their most irritating, excite pity rather than dislike.

Changes of Grouping and Response to Training

We must now examine changes in grouping in relation to staff concepts of good or bad response to training. These can be compared, at the same time, with whether or not the boy was subsequently reconvicted. We might commence with an oversimplified model as follows:

Good	Independent	
Average . . .	Follower	
Bad	Lientenant-aspirant	
	Leader	Reject

This is, of course, a generalized scale of values which is implicit rather than conscious, but it is a logical deduction from the postulates discussed in the first article of this series, that the led group is usually anti-authority and therefore dangerous to the equilibrium; and that the tone of the inmate community is in general anti-authority and tending towards the led group. In these circumstances the boy who can stand apart has strength of character above the average, and may well be the pro-authority leader who dare not lead for fear of rejection by his peers. The rejects have been placed in a separate column because they are 'bad' so far as response to training goes in a rather different sense. They are a problem set apart from the foregoing analysis by reason of their immense personal difficulties. On the other hand, the tone of the community can make a great difference to their acceptability in marginal cases.

It would follow from the existence of the scale that movement up and down it ought to be connected with specific expectations regarding the conduct of the boy. Thus the boy who moves from follower to independent is doing well and this implies an expectation of subsequent success, while the boy who moves from follower to a leading position is doing badly and should fail. The idea that this is so is confirmed by the fact that the coding for 'response to training' made each month tends to follow the pattern that independents are given 'satisfactory' and leaders and rejects 'unsatisfactory', or 'deteriorating'; although this is not so towards the end of their careers where proximity to discharge leads both to better conduct and to an understandable hopefulness on the part of the housemaster.

We might therefore postulate, rather as a model on the lines of the classical economists than in expectation that this will represent the actual state of affairs, the following movements:

Good (i.e. up the scale)

Leader, aspirant or lieutenant to follower.

Reject to follower.

Follower to independent.

Leader, aspirant or lieutenant to independent.

Reject to independent.

Neutral

Reject to leader, aspirant or lieutenant.

Leader, aspirant or lieutenant to reject.

Bad (i.e. down the scale)

Follower to leader, aspirant or lieutenant.

Follower to reject.

Independent to follower.

Independent to leader, aspirant or lieutenant.

Independent to reject.

Some of these are very unlikely movements. It would be strange if leaders became followers and we would only expect this to happen in unusual circumstances. Nor would we expect rejects to become leaders, or leaders rejects.

An examination of those cases in the study where changes of classification took place shows that the model is, as usual, only generally correct. Those who move from reject to follower are not thought to have responded well to training, whereas those who move from independent to follower are by no means all thought to have done badly, and the same applies to those who move from follower to the leadership group. Looking at reconvictions, there appears to be a tendency to overrate those who move from follower to independent and to underrate those who become leaders, aspirants or lieutenants.

We might reformulate the evaluations, on the limited evidence, as follows:

	Staff Opinion	*Preponderance of Reconvictions*
Independent to follower	Doubtfully good	Success
Follower to independent	Good	50–50
Follower to reject . .	Bad	Failure
Reject to follower . .	Bad	Failure
Follower to leader, aspirant or lieutenant .	Bad	Failure

While it seems true on the whole that leadership and rejection are ' bad ', there also seems to be too high a value placed on independence and too much suspicion of leadership.

Grouping and Subsequent Behaviour

This evidence may be augmented by gathering together in tabular form some of the data already presented. It should be accompanied by a warning of the danger in this context of accepting reconvictions as the sole evidence of success or failure.

Class	*Not Reconvicted*	*Reconvicted*	*Total*
Leaders	6	10	16
Lieutenants	2 } 9	4 } 18	6 } 27
Leader aspirants (unsuccessful)	1	4	5
Followers in persisting groups:			
(*a*) Led groups	14	7	21
(*b*) Unled groups	22	8	30
Other followers	20	23	43
Independents	8	8	16
Rejects	4	12	16
	77	76	153*

$\chi^2 = 16{\cdot}130 \quad n = 5 \quad P < 0{\cdot}01.$

*The total includes boys not in the sample. Some of those in the sample do not fit into these classes.

It is clear from this that the preponderance is in favour of failure for leaders, but it is not strong. It is true, however, that the leaders of large groups, mainly of boys from London and Liverpool, are almost all failures. Lieutenants and unsuccessful aspirants tend to fail more often, although there is one case of a boy steadily designated as lieutenant who did outstandingly well on discharge. No disadvantage is attached, however, to being a follower in a led group, although this is not as advantageous as being in an unled group. It is interesting to note in addition that although the opposite ends of the spectrum, independents and rejects, are clearly differentiated in respect of a number of factors relating to their careers in the institution, there are no significant differences in any factors relating to previous careers, and, while rejects tend to fail more, the difference is not significant. The same comments apply to a comparison of leaders and independents and to groups and independents. A comparison of leaders

and rejects demonstrates that their previous records are not in general dissimilar, though the rejects do seem, on the evidence available, to have had more disturbed lives. The rejects are thought by the staff to be abnormal personalities in ten cases out of sixteen, the leaders only in one case; and this on the first typing. This difference is clearly significant. In all these comparisons, however, the numbers are very small and the information available very limited.

Discussion of the Hypothesis

The problem is thus presented of how far the thesis suggested above is valid. It is based to a considerable degree upon the importance of pro- and anti-authority feelings in the boys, and one cannot help wondering whether the effect of community pressures, the fact of the institution and its life as a collection of people living and working together, to some extent exaggerates the question of relation to authority beyond its appropriate level of importance. It is undoubtedly true that, in some sense, attitude to authority is a basic problem in many, perhaps a majority of boys (49 of the 72 cases of broken home had, in some way, lost their fathers). But authority may have many meanings and the authority of a parent may not be seen in the same light as that of the staff of an institution, much as the housemaster may wish to adopt a paternal role. Nor is the relation of boy to institution quite the same as worker to employer, or erring citizen to the law-abiding community. It is similar, but in a form in which substitute employer and law-abiding community represent a much more emphatic threat to the boy than is true outside.

This distortion is, of course, deliberate, and I must not be construed as suggesting that it is unjustified, or that non-institutional methods are necessarily more efficient. There are compensations, which are missing outside the institution, in the form of living with and observing a boy over a period of time. But the omnipresence of authority is something which is likely to exaggerate and distort both the actions of the boys and the reactions of the staff.

The relaxation of harsh discipline which Borstal implies makes possible an individual approach to the offender, and a greater appreciation on his part of the positive qualities of the staff. It means also, however, that the possibilities of combination against authority are made greater. In consequence its satisfactions to the boys are accentuated, its threat to institutional equilibrium enlarged, and its importance to the staff grows in proportion. This produces an over-emphasis which requires recognition—and handling. It requires the housemaster to distinguish between attitudes in the boy towards different facets of institutional life, and the importance of the

part they play in the boy's training. It needs, therefore, both an intimate understanding of the boy and an equally close appreciation of the meaning of boy-in-community; and, as a corollary, the development not only of casework techniques but of group work methods in supplementation.

This is easy to say, and difficult to do. The reasons are inherent in the problem of training, as it must be faced by Borstal staffs and particularly by housemasters. The boy enters the institution and is very soon swallowed up in the inmate community, to which he owes allegiance. The housemaster must recognize that allegiance, for in doing so he recognizes the boy's self-respect. He would like to operate as a caseworker, creating a unique relationship between himself and the boy, sufficiently important to dominate the boy's behaviour, but he has many boys in his care, his time is limited, he has much to do of an administrative nature, and there are numerous boys from whom he can get little response. He is then presented with a dilemma common to social workers, but in an extreme form. Is he to try to give something to everybody in the knowledge that by so spreading himself he is losing the opportunity of effective work upon a number of boys? If he decides not to do this, upon whom should he concentrate his energies? Presumably not the boy who is almost certain to fail, but equally not the boy who is almost certain to succeed. What he wants is the boy who is likely to make most progress, even if this does not result in a future entirely free of reconvictions, but he is not sure in what terms progress is to be defined or how to pick out such boys.

In practice the matter is largely decided for him, as it often is for other social workers. He is forced to give much time to those who are the greatest threat to the stability of the house and the institution, to throw his weight on the other side of the balance in order to maintain the equilibrium. He is also bound to give much time to those whose travail is greatest and most apparent. In this way the leaders and the rejects obtain a disproportionate share of his attention, although the chances of doing anything with most of them may be small. In the same way as all hard-pressed social workers, he does what he must do and adds to it what he can.

In addition there is the further difficulty that the nature of the community tends to confuse the housemaster's view of objectives and makes judgments more perilous. In the first place community pressure has a varying effect on different boys, so that he must assess how far the boy's actions are to be interpreted in terms of the community in which he finds himself, and how far they represent what he will do outside. What is more, the system of grades and limited indeterminacy puts a premium on conformity, which he must discount as best he may. All housemasters are convinced that they do not want conformity, but they are not always clear what they do want.

What is meant by ' making an effort ' and ' taking his training seriously '—phrases frequently encountered in the records?

But if the community aspect distorts, it also clarifies. It provides a continued contact with a boy which cannot be got any other way. At the same time it provides a means of testing him. ' If he can resist pressures towards misconduct in the institution ', argues the housemaster, ' he ought to be able to do so outside.' How generally true is this proposition? Of what kinds of boy is it not true? It seems to be only partially true in respect of independents in this study. It would not be surprising, in this difficult situation, and surrounded by pressing problems, if the housemaster tended to apply a simple analysis too widely; to see all leaders as potential dangers, to regard all boys who stand apart as virtuous. I suspect that this is the reason for the striking lack of recorded pro-authority leadership of groups. It must not be forgotten, however, that the potential pro-authority leader is not, in general, the boy who is found in a Borstal.

Our analysis suggests further that the difficulty lies even more in relating what happens in the institution to what is likely to happen outside. What is the relation of anti-authority behaviour in the institution to anti-authority behaviour outside? What is the relation of attitudes to work, responsibility, or frustration within and without the institution? The answers to these questions are dependent upon the objective understanding of the nature of the institution as a community. It is clear that in the more extreme cases of maladaptation to society—some of the leaders and the rejects—reaction to institutional pressures is very similar to those subsequently experienced. It is less easy, however, to identify boys at the ' better ' end of the continuum, or those in between. The key to improvement of understanding in this sphere lies primarily in clarity of definition of personal and social problems, and in experiment in techniques of training, closely linked with research studies. It is not possible to emphasize too strongly the importance of maintaining the connection between changes made by way of experiment and research to evaluate the results of such changes. One can do no more than suggest in what fields such experiments might be made. They would appear to be mainly concerned with the following problems, none of them by any means unknown to those working in the field:

1. *The Housemaster and the House System.* Would housemasters, or some housemasters, be more effectively employed as ' counsellors ' without house responsibilities? Is there a place for a specialist housemaster who deals with a particular type of boy within an institution? Is the house system, even in its most attenuated form as a non-competitive administrative unit, a good basis for the bringing together of a group of boys under one housemaster? Could specific need be more important, e.g. could all potential or actual leaders go into one small

group, and all rejects into another, thus obtaining the benefits of division of labour by concentrating and specializing? Or could this be met by the creation of very small independent institutions?

2. *The Therapeutic use of Grouping.* How far ought this to be done and can this be done by professional group therapists? What aids can be devised to help the staff in detecting and utilizing grouping?

3. *The Availability and Use of Psychiatric Help.* On entry, 49 per cent of the sample were coded as 'possibly abnormal' and 20 per cent as 'abnormal'. Before leaving, the proportions were 45 per cent and 30 per cent. As previously explained, the definition was 'needing expert psychiatric help', and what this means, in fact, is that in a considerable number of cases the staff would have liked such help. Whether it would have been effective or at all useful is another matter, but clearly there is a problem here and one of great practical difficulty.

4. *Limited Indeterminacy and the Grade System; the emphasis upon Work and other Cardinal Features of Borstal Training.* Are all of these suitable for, or necessary to, the training of *all* boys? Might one or more of them be a drawback in respect of some boys? This is obviously connected with the possibility of specialized treatment in small groups.

Implications for Future Research

It was obvious from the start that the present study would fall between two stools. It was neither large enough to produce statistical results of high reliability nor was it detailed enough to produce case records from which insights may be gained. It was undertaken, however, for two reasons. First, no work of this type had previously been done in English institutions, and when the opportunity arose it could hardly be allowed to pass. Secondly, it was hoped that the study would, apart from any results produced, throw up useful suggestions for further lines of research.

Future studies will no doubt be made by participant observation. It is to be hoped that this is not confined to one institution only, and that every attempt is made at the same time to collect both detailed case histories, including after-careers, and data which can be tested statistically. Not all hypotheses can be put into a statistically testable form, but where this is possible it should be done.

Such studies will need to be directed towards specific ends, and it is therefore useful to list briefly some problems encountered in, or suggested by, the present project:

(1) The range and limitations, if any, of staff knowledge of the inmate community. In particular, how far is the housemaster able to observe a boy's reactions directly and how far, and in what circumstances, must he rely upon the observations of others? In what way, also, are first impressions related to later judgments and subsequent behaviour?

(2) The problem of attitudes to authority in relation to different types of boys. In particular the problem of pro-authority leadership.
(3) The varying importance of grouping and anti-authority feelings in different types of boys. It appears from this study that main group leaders are usually failures, but their followers do not fail more often than other followers.
(4) The locality basis of grouping. Do they know each other already to any considerable extent, or is it a defensive form of drawing together in a strange situation?
(5) The way in which housemasters' time is distributed between various types of work, and between different types of boy. We did attempt, in this project, to note the amount of attention devoted to each boy, but this was in terms too general to be capable of evaluation and the problem clearly needs separate study.
(6) The implicit scale of values by which the staff work and the training goals they set themselves. In particular how these are related to the problems met by the boy subsequently.
(7) The relation between the administrative organization of institutions, and the grouping and response to training of different types of boys.

FORTHCOMING CONGRESSES AND CONFERENCES

Second Canadian Congress of Corrections. University of British Columbia, Vancouver, 24th–28th May, 1959.

4th I.S.T.D. Summer School on 'Crime and Punishment'. Nottingham University, 14th–19th September, 1959.

4th British National Conference on Social Work. Bristol, 10th–13th April, 1960.

2nd United Nations Congress on the Prevention of Crime and Treatment of Offenders. London, 8th–21st August, 1960.

4th International Congress of Criminology. The Hague, 5th–12th September, 1960.

8th International Congress of L'association Internationale de Droit Penal. Lisbon, September, 1961.

A STATISTICAL FOLLOW-UP OF MENTAL DEFECTIVES OF DANGEROUS OR VIOLENT PROPENSITIES[1]

By JOHN E. TONG and G. W. MACKAY (Rampton)

Introduction

Patients certified under the Mental Deficiency Acts and admitted to a state hospital for mental defectives of dangerous or violent propensities are transferred from the hospital by the Board of Control on the recommendation of the Medical Superintendent. Original admission may be from a Court or penal establishment or local M.D. unit. Not all patients at the state hospital have been *convicted* of criminal offences, but it is clear that the subsequent commission of a criminal offence by a transferred patient is a feature of some importance, and can be regarded as a relapse, or as evidence of continued instability. Research into the problem of instability of this nature first requires that (*a*) the extent of the problem is examined, (*b*) the nature of the social relapse is investigated, and (*c*) the relationship of relapse to such factors as age, length of hospital stay, disorder type and hospital behaviour are examined. These problems concern the current research and from the subsequent data it is possible to determine the basic constituents of social instability in this context, and hence to canalize therapeutic and laboratory research.

Method

All male patients who had been removed from the hospital in the years 1945–1956 were ' followed-up ' in late 1957 to ascertain those who had either been returned to the hospital or who had been convicted of criminal offences and dealt with by other means. Removal from the hospital in this sense means (*a*) discharge from the Mental Deficiency Acts and complete freedom, or (*b*) transfer to a local M.D. unit where security is less and there are opportunities for parole, outside work, holidays, etc., or (*c*) licensed residence at home, in lodgings or hostel. The only patients not included in the term ' removed ' are those who died, or who were transferred to a mental

[1] This paper is published by permission of the Board of Control, although it does not necessarily represent official views. Thanks are due to Professor E. Stengel and Mr. R. Edwards of Sheffield University for their comments on the original data. Official assistance was provided by the Commissioner of the Metropolitan Police. The complete research was assisted by a grant kindly provided by the Mental Health Research Fund.

hospital for specialized treatment, or to a general hospital or who escaped from the state hospital and remained free.

Relapse is defined as ' return to the state hospital or conviction involving other means of disposal '. The research total consists of 587 cases, for whom definite statements were possible in 423 cases. The remaining 164 cases constitute a ' Not Known ' group, but in fact it is unlikely that many would constitute relapses unless a change of identity were involved.

General Data

Of the 587 cases, 85 relapsed and were returned to the hospital, 31 per cent. of the 85 being returned within three months, and 80 per cent. within eighteen months of being transferred. A further 86 patients relapsed, *i.e.* were convicted of offences, but were dealt with by the penal system. For these latter the first relapse occurred usually about eighteen months after leaving the state hospital. In general, therefore, relapse appears fairly soon after transfer or not at all, although occasionally the first relapse may occur after an interval of five years.

The antisocial behaviour of the 171 relapsed cases was found to be less serious in some respects, after leaving the state hospital, than was the behaviour of the same men before entering the hospital. For example, violence was recorded for 67 men before admission but for 19 after removal; heterosexual offences fell from 23 to 12, and damage to property from 8 to nil. However, for these relapsed cases the behaviour habit which was apparently unaffected by the period in hospital is breaking and entering which is recorded for 48 cases before admission and 53 after transfer. Observations concerning other forms of larceny are not warranted owing to certain unreliability of the pre-admission data. Cases of homosexual offences and arson were too few to give useful information. Further evidence concerning the reduction in severity of the behaviour of the relapsed cases is shown by the fact that of the 86 cases dealt with by the penal system only 43 relapsed sufficiently seriously for a Court to award terms of imprisonment, and in only two cases were the sentences for longer than three years.

Analysed Data

The purpose of the following section is to show those general factors and trends which are associated with relapse. The analyses were undertaken about twelve months after the most recently transferred patient had been removed. The period of ' exposure to risk ' is therefore variable, but it is considered that this disadvantage is outweighed by the gain brought about by the increased numbers which allow for a certain amount of sub-grouping. All had been exposed to the greatest risk period, *i.e.* the first few months after leaving the state hospital.

TABLE 1

Data for Age on Admission, Length of Stay and Age on Transfer (all in years) for the Total Research Group

Group	Totals	Age on admission		Length of stay		Age on transfer	
		Mean	Standard deviation	Mean	Standard deviation	Mean	Standard deviation
No conviction and not returned	252	23·72	6·81	10·92	7·40	33·94	9·43
Returned to state hospital .	85	21·41	4·17	8·91	6·99	30·26	9·37
Convictions involving imprisonment but not returned .	43	20·84	3·67	7·65	5·03	27·7	5·63
Convictions not involving imprisonment but not returned	43	23·95	3·27	9·80	6·28	33·16	8·97
Not known	164	20·46	6·70	11·88	7·65	32·31	7·13

Table 1 gives the data for age on admission, length of stay and age on transfer. Inspection of the original detailed table reveals that 91 per cent. of the total relapses were aged between 15 and 29 years (inclusive) on admission, *i.e.* 155 of the 171 in the Relapse Group compared with 325 of the 416 in the No Relapse Group ($\chi^2 = 12{\cdot}73$, Yates' correction, 11·91, $P = 0{\cdot}001$). The relapse problem therefore concerns those subjects aged between 15 and 29 years on admission, and all subsequent analyses deal with these 480 patients. The relevant data are given in Table 2, and the group described as the Delimited Research Group.

TABLE 2

Data for Age on Admission, Length of Stay, Age on Transfer (all in years) for the Delimited Research Group, i.e. Patients Aged 15 to 29 Years on Admission

Group	Totals	Age on admission		Length of stay		Age on transfer	
		Mean	Standard deviation	Mean	Standard deviation	Mean	Standard deviation
No conviction and not returned	206	21·07	3·26	10·48	7·44	31·56	8·44
Returned to state hospital .	79	21·16	2·82	8·70	6·76	29·84	7·57
Convictions involving imprisonment but not returned .	39	20·13	2·85	7·38	4·39	27·88	5·73
Convictions not involving imprisonment but not returned	37	21·18	3·52	9·78	6·02	30·12	7·05
Not known	119	21·22	3·43	12·84	7·70	33·79	8·82

For these 480 patients the means and variances for age on admission do not vary greatly between the successful and the relapsed groups and, for

these gross data at least, the conclusion is that the hospital does not succeed more frequently with people who are younger on admission than otherwise.

The correlation between age on admission and length of stay is insufficient to affect any conclusions concerning the length of stay in relation to relapse. It will be seen from Table 2 that the mean length of stay is much less for the relapse groups than for the other groups (variance analysis, $F = 5{\cdot}02$, $P = 0{\cdot}01$). From these results we can conclude that the shorter the stay at the state hospital the greater the likelihood of relapse. Inspection of the detailed tables reveals no indication of bimodality in the distribution of the length of stay periods for the relapsed cases, as would be expected if very long stay is contra-indicative of success owing to difficulties of readjustment.

In Table 2 it will also be seen that the mean ages at the time of transfer for the various groups show a decline from success to relapse; the men who relapsed after transfer were younger at the time of transfer (variance analysis, $F = 5{\cdot}55$, $P = 0{\cdot}01$). However, comparison of the length of stay data with the age on transfer data shows that the means lie in similar orders. This feature, taken together with the obvious fact that length of stay and age on leaving are to some extent necessarily associated, raises the question of the relative importance of these two factors. In other words, are successful cases successful because they attained a certain age before leaving hospital or because their length of training was longer than that of the relapsed cases? To solve this problem the subjects were divided into various sub-groups according to age on transfer, and the length of stay factor assessed for each sub-group. In all instances the length of stay appears to be more associated with success than the age but only for the youngest group do the figures reach significance. The sub-group aged 25 or less yielded 33 cases with training of less than four years, of whom 21 relapsed, and 67 with training of longer than three years of whom also 21 relapsed ($\chi^2 = 9{\cdot}49$, $P = 0{\cdot}01$).

The final general analysis concerns the form the transfer took. In the majority of cases patients are transferred from the state hospital to a local 'open' M.D. unit. Only infrequently are patients removed on licence to an agricultural hostel or to relatives or friends. The research data indicate that transfer to a local hospital is less associated with relapse than removal direct to society. In most cases the local hospital would function as an intermediate step to complete freedom or independence—a procedure which appears to be very necessary. Of 206 cases known definitely not to have relapsed, 192 went to a M.D. unit and 14 to a hostel or family. Of 118 definite relapses 94 went to a M.D. unit and 24 to a hostel or family ($\chi^2 = 13{\cdot}29$, $P = 0{\cdot}001$).

TABLE 3

Original Disorder Types Recorded for the 480 *Subjects Aged Between* 15 *and* 29 *Years on Admission*

(Total disorders exceed the total numbers of patients as several disorders might be recorded for any one patient)

Group	*Original Disorder Type*					
	Nos. of Patients	*Homo-sexual*	*Hetero-sexual*	*Violent*	*Arson & Damage*	*Larceny etc.*
No conviction and not returned	206	16	43	92	22	140
Returned to state hospital .	79	4	9	31	5	70
Convictions involving imprisonment but not returned . .	39	2	4	11	2	35
Convictions not involving imprisonment but not returned .	37	2	5	18	3	31
Not known	119	6	21	78	10	42
Totals	480	30	82	230	42	318

It was possible to examine five types of pre-admission conduct disorder—homosexual offences, heterosexual offences, violence, arson and damage, and miscellaneous larceny. Figures in respect of these disorders are given in Table 3, and the totals exceed the number of subjects involved because any given patient may have more than one type recorded for him. If each disorder type is analysed according to its relationship with No Relapse by means of 2 × 2 tables derived from Table 3, three trends are apparent:

(*a*) Earlier history of heterosexual misbehaviour is slightly associated with favourable prognosis ($\chi^2 = 4{\cdot}53$, $P = 0{\cdot}05$).

(*b*) Earlier history of violence is associated with favourable prognosis ($\chi^2 = 9{\cdot}66$, $P = 0{\cdot}01$).

(*c*) Earlier history of larceny is strongly associated with poor prognosis ($\chi^2 = 41{\cdot}29$, $P = 0{\cdot}001$).

The two other forms of disorder, homosexuality, and arson and damage, tend to be unassociated with relapse, but the trend is insignificant. In order to examine the problem of homologous disorders, the detailed data were studied, with the following results:

(*a*) Of the 19 cases of violence since transfer, 12 had earlier histories of violence;

(*b*) of the 12 cases of sexual misbehaviour since transfer, 7 had earlier histories of sex offences;

(*c*) of the 6 cases of homosexual misbehaviour since transfer, 3 had earlier histories of homosexual offences;

(*d*) of the 4 cases of arson since transfer, 2 had earlier histories of arson;

(*e*) as far as can be assessed, all those in trouble for stealing had histories of larceny before admission.

Hospital Behaviour

A frequently recurring problem concerns the relationship of behaviour within the confines of a hospital or institution with behaviour in society at large. The problem arises owing to the artificiality of institutional life and is of both clinical and administrative interest, and opposing hypotheses are tenable. On one hand it can be argued that behaviour such as escaping, fighting and homosexuality within an institution are ' normal ' or rational forms of behaviour in these peculiar circumstances, and hence have little bearing upon the problem of general social stability. On the other hand, there is the argument that instability within the relatively simple organized community of a hospital indicates a generality of instability which would be carried over to behaviour in free society. The issues involved in these problems are of fundamental importance in a system centred upon clinical opinion concerning the disposal or retention of individual patients. This final analysis concerns an examination in which specific forms of hospital behaviour are related to subsequent, post transfer, stability and instability. The behaviour patterns chosen for examination, *i.e.* aggression, escaping, sexuality and damage, were selected simply because the presence or absence of such incidents would have been reliably recorded on clinical records. These patterns are also those that could possibly be ' normal ' forms of reaction to the restricted environment.

In view of the earlier findings that such general factors as length of stay in hospital, age on transfer and disorder type are significantly associated with post transfer success and relapse, it was essential to control these factors as far as possible in the examination of hospital behaviour. Two groups, each of 50 patients, were chosen from the card index for transferred patients. The first group consisted of men known definitely not to have relapsed, and the second group of men who had relapsed in some form or other. Each patient in the ' success ' group was ' paired ' with a ' relapse ' patient in respect of the known important factors. The clinical records maintained for these 100 patients during their stay at the hospital were then searched for information concerning the following: (*a*) Violent incidents involving hospital staff; (*b*) violent incidents involving other patients; (*c*) successful escape incidents; (*d*) unsuccessful attempts to escape; (*e*) heterosexual misbehaviour, e.g. exposure, misbehaviour at dances; (*f*) homosexual misbehaviour; (*g*) incidents of damage to hospital property.

The two groups, ' success ' and ' relapse ', are comparable in respect of

the main ' exogenous ' or temporal factors, as follows:

(*a*) Length of time since transfer: success group, mean 6·34 years, variance 6·7; relapse group, mean 6·34 years, variance 6·7.

(*b*) Length of stay: success group, mean 6·32 years, variance 10·86; relapse group, mean 6·28 years, variance 10·24.

(*c*) Age on admission: success group, mean 21·88 years, variance 22·2; relapse group, mean 20·54 years, variance 14·8.

(*d*) Age on transfer: success group, mean 28·22 years, variance 37·56; relapse group, mean 26·84 years, variance 23·94.

In so far as pre-admission behaviour is concerned the relapse group is slightly weighted in an adverse direction with larceny cases, but the success group is regarded as being an adequate control for the purpose of assessing hospital behaviour relative to social relapse.

The first factor to be examined is violence to hospital staff, only one incident of which is recorded. The patient concerned falls in the relapse group. Violence to patients is more common and at least one incident was recorded for 24 of the 50 success group patients and 26 of the 50 relapse group patients. This distribution is obviously not significant, but when a more critical definition of violence is applied, there is considerable difference between the two groups. When violence to patients is defined as being of two or more incidents, then there are 7 such in the success group, compared with 17 patients in the relapse group ($\chi^2 = 5{\cdot}43$, corrected to 4·43, $P = 0{\cdot}05$, coefficient of contingency = 0·2). However, inspection reveals that there is no association between violence in the hospital and violence as the form of social relapse. Finally, in four instances there were incidents of aggressive behaviour not amounting to actual violence, and each fell in the relapse group.

The second factor is that of escape. From the records it was possible to assess accurately the number of escape incidents for each of the two groups, and to differentiate between successful escapes and unsuccessful attempts. The records indicated that 7 of the 50 success group patients had successfully escaped from the hospital at least once, compared with 17 of the 50 relapse group patients, again a significant difference ($\chi^2 = 5{\cdot}4$, corrected to 4·3, coefficient of contingency, 0·2). In addition, only one patient of the success group escaped more than once, compared with 6 relapse patients. Unsuccessful attempts to escape were recorded for 5 success group patients and for 11 relapse group subjects, a distribution which does not reach statistical significance but indicates a uniform trend in keeping with the previous data.

In the case of aggression it was necessary to apply a definition of frequent

aggression (two or more incidents) in order for the figures to indicate a significant association with success and relapse. For escape behaviour, however, a significant association is obtained by simply differentiating escapers and non-escapers without taking into consideration the frequency of incidents. If the frequency of escape incidents (successful or unsuccessful) is taken into consideration the association becomes slightly more pronounced, and 4 patients of the success group were involved in two or more incidents, compared with 13 of the relapse group ($\chi^2 = 6{\cdot}1$, corrected to $5{\cdot}2$, $P = 0{\cdot}05$, coefficient of contingency 0·22).

Bearing in mind that the other significant factors are controlled in the current analysis it is clear that frequent aggressive and escape behaviour in the hospital is associated with general social instability. There is no evidence that the two forms of behaviour are associated with one another, either in a positive or negative direction, *e.g.* of the 24 patients who were violent on two or more occasions, 8 were involved in escape incidents on some other occasions, and similarly 22 of the 76 patients in the non-violent group were involved in escape incidents. The relationship between aggression and/or escaping and relapse is clearly apparent from the observation that 11 of the 50 success group patients had recorded incidents of frequent aggression and/or successful escapes compared with 28 of the 50 relapse group subjects ($\chi^2 = 12{\cdot}14$, corrected to $10{\cdot}75$, $P = 0{\cdot}001$, coefficient of contingency 0·32).

Sexual behaviour involving females during the stay in hospital was shown by 6 patients in each group and is clearly not a significant factor. It is of interest to note that none of the 6 men falling in the relapse group was later convicted of sexual misbehaviour on leaving the hospital. Homosexual behaviour was recorded for 13 of the success group and for 9 of the relapse group—again an insignificant association. Further analysis of the sexuality data concerning frequency of incidents failed to yield useful information although one persistent homosexual from the relapse group has since been convicted of an heterosexual offence.

Damage to hospital property forms the final behavioural item to be examined, although the number of recorded incidents was only 11. Of these 8 were recorded against patients in the relapse group and 3 against members of the success group. Although not significant the figures indicate a trend associating damage to hospital property with subsequent relapse.

From the foregoing analysis it is clear that certain forms of hospital misbehaviour are associated with relapse when the patients concerned are transferred from the hospital. The behaviour patterns associated with social instability are aggression, escaping, attempting to escape and possibly damage. The mean number of these incidents recorded for the success

group is 1·34 (variance 12·92), and for the relapse group the mean is 3·04 (variance 14·32). The corrected variance ratio gives a value for F of 4·9, and indicates a very high degree of association between hospital instability and subsequent relapse, when instability is defined according to the number of incidents of the type indicated above.

Discussion

The problem of the high-grade mental defective whose behaviour is of the sort proscribed by the criminal law (not infrequently called psychopathic) is currently of much public interest. The purpose of the present paper is to draw attention to research and clinical pointers, but from a wider point of view it is apparent that the state hospital system is therapeutically effective in that serious relapses are relatively uncommon. It is also clear that the fairly long period of training required for some patients is associated with successful socialization and even a very long stay is not likely to lead to an inability to readjust. The most common discharge procedure, that of removal to an 'open' M.D. unit in the first instance, is more effective than direct removal to society, as would be expected. The data also show that at least some forms of hospital behaviour are directly related to the problems of social instability, giving a rather firm base to the principles of clinical prediction. The various behaviour factors associated with good or poor prognosis are similar to those frequently isolated for offenders in general, and formal psychology should be able to make a useful contribution by research into the explanation of these behaviour differences, associated as they are with the wider problem of relapse. Knowledge of the personality differences could improve prediction and lead to therapeutic modifications.

RESEARCH AND METHODOLOGY

(*Continued from Vol. IX, p. 211*)

CURRENT RESEARCH. LX. PARENTAL FIGURES AND THE GENESIS OF MALE HOMOSEXUALITY.

(1) *Name of University Department, Hospital or other Institution or private person supplying the information.* Maudsley Hospital.

(2) *Subject of Research:* Using Maudsley case histories. Fifty male homosexuals with non-psychotic diagnoses, all in-patients, matched with fifty heterosexual controls of same age-range and psychiatric diagnoses. Descriptions of parents abstracted from notes. Rated by judge, unaware of which are homosexuals, according to degree of unsatisfactoriness of father and intensity of mother relationship. Significant differences between hetero- and homosexuals.

(3) *Under whose auspices is the research being carried out?* For Liverpool University M.D. With advice from Prof. Aubrey Lewis. *Research worker:* D. J. West.

(4) *Commenced:* January 1957. *Completed:* June 1958.

(5) *Publication:* Accepted for M.D. thesis, Liverpool 1958. Expected to be published in *International Journal of Social Psychiatry.*

CURRENT RESEARCH. LXI. SHORT TERM INSTITUTIONAL TREATMENT OF BOYS.

(1) Dr. M. Grünhut. Reader in Criminology, University of Oxford.

(2) Collection of case studies from probation homes and probation hostels and short-term approved schools. Checking reconvictions in a follow-up period.

(3) Social Studies Board, University of Oxford and Home Office. *Research workers:* Mrs. McCabe, Miss Lane and Miss Dunlop under the direction of Dr. M. Grünhut.

(4) *Commenced:* 1957. *Completion expected:* 1959.

(5) No results so far published.

CURRENT RESEARCH. LXII. DELINQUENCY AND TREATMENT OF ADOLESCENT GIRLS.

(1) Dr. M. Grünhut, Reader in Criminology, University of Oxford.

(2) Collection of case studies of a sample group of adolescent girls followed up through various forms of treatment.

(3) Social Studies Board, University of Oxford, and Home Office. *Research workers:* Mrs. McCabe, Miss Pitt and Miss Dunlop, under the direction of Dr. Grünhut.

(4) *Commenced:* Dec. 1957. *Completion expected:* 1959.

(5) No results so far published.

NOTES AND CRITICISMS

New Possibilities for Criminology and Penal Reform in France

In an article published by this *Journal* in 1952, I was able to show what a considerable effort had been made in France to bring its penal and penitentiary system up to the level which modern criminological discoveries had shown to be necessary.[1] This reform movement was essentially empirical and practical. It had developed outside the framework of the legal bases, as traditionally defined, and thus gave evidence of a certain separation between the judicial and penitential systems. As the result of an enactment, dated 23rd December, 1958, which amended and supplemented the Code of Criminal Procedure, we now have a coherent system which ends this separation and enables the methods of treating and rehabilitating offenders to be harmoniously developed.

The aim of the present Note is to show exactly what principles lie behind the detailed plans of treatment (treatment outside an institution, inside an institution, in semi-liberty, as well as after-care and social rehabilitation) contained in the new legal provisions.

1. *The Plan of Treatment.* The object, when dealing with an offender, is to reform his criminal tendencies, to give him worthier motives and to modify any surrounding circumstances which might lead him into crime, including his relations with other people. In all this, one must take account of his character. So a plan of treatment, based on a medico-psychological and social examination, needs to be prepared for every offender. But if this is to be of any use it must only be the beginning of an experiment. It must be periodically subject to revision, made easier and modified in the light of what happens as the experiment proceeds.

This is why Article 81 of the Code of Criminal Procedure provides for the medico-psychological and social examination taking place at the time of the court hearing, instead of—as has previously been the case—after sentence, when the kind and length of treatment had already been decided upon. This article provides that:

> 'the *juge d'instruction* shall enquire, or cause enquiries to be made by officials of the *police judiciaire* or any person authorized thereto by the Ministry of Justice, into the individual characteristics of accused persons, as well as their material, family or social circumstances. However, in the case of a misdemeanour, this enquiry shall be optional.
>
> The *juge d'instruction* may order a medical examination and/or instruct a medical expert to carry out a medico-psychological examination. Any request by the accused or his counsel for such examination shall be refused only on grounds stated.'

It is hardly necessary to emphasize the considerable importance of this innovation, with the possibility it opens up of formulating a plan of treatment, based on the accused's personality, at the time of the Court hearing.

[1] J. Pinatel, 'Criminology and Penal Reform in France,' *The British Journal of Delinquency*, Vol. II, Number 3, January 1952. Pp. 196 *et seq.*

Even more important, however, is Article 721 of the Code of Criminal Procedure, which provides for the appointment of a Judge for the Supervision of the Execution of Penalties (*juge de l'application des peines*) in courts, a list of which is officially designated. This appointment is 'for a period of three years and renewable by decree by the Minister of Justice, after taking the opinion of the *Conseil Supérieur de la Magistrature*'. It will be the duty of this Judge to modify the plan of treatment in the light of experience.

2. *Treatment Outside an Institution.* Treatment outside an institution comes within the system of *sursis*, which was introduced in France by the Law Bérenger, dated 26th March, 1891. Unqualified *sursis* remains (Article 734 etc.), but we now have, in addition, *sursis avec mise à l'épreuve* (Article 738, etc.)

Unlike unqualified *sursis*, which is fixed at five years, the new form of *sursis* is for a minimum of three and a maximum of five years. The court, therefore, has power to vary it between these limits.

Moreover, this new form of *sursis* can only be ordered under conditions, some of which depend on the accused's record and some on other factors. As regards the former, the accused must not previously have been sentenced to imprisonment for six months or less for a breach of the *droit commun*. As regards the latter, the sentence which is being conditionally suspended must be one of imprisonment for a breach of the *droit commun*. Consequently, on the one hand, sentences of solitary confinement or hard labour and, on the other, fines cannot be so modified. This shows that this form of *sursis* is essentially conceived as an alternative to ordinary imprisonment and particularly short terms of imprisonment, whose disastrous results have been long noted.

A sentence to *sursis avec mise à l'épreuve* is subject to exact conditions. Thus anyone so sentenced has to obey rules designed to supervise and help him, some being of a general character (fixed by law) and some personal to him (specially imposed by the court). But these rules may be modified, rearranged or even set aside by the *juge de l'application des peines* during the period for which a person has been placed under such *sursis*. This judge supervises the conduct of the prisoner and may report him to the court with a view to his being ordered to serve his sentence if he is in breach of any of the conditions on which it was suspended. He may even have him taken back to prison and detained there. On the other hand, if the person subject to this form of *sursis* has complied with all the conditions imposed for two years and seems to have turned over a new leaf, the judge may apply to the court for the conviction to be treated as '*non avenue*'.

It is, therefore, clear that the new system, despite its resemblance to that of the conditional sentence, is extremely flexible.

It must be added that the sentence which was suspended under this form of *sursis* is treated as '*non avenue*' if the period originally fixed by the court expires without either the serving of the suspended sentence having been ordered or the person in question having been convicted of a '*crime et délit de droit commun*' and sentenced to imprisonment for it. In the latter event, the suspended sentence will be served before the penalty for the latter offence starts to be served.

It will be very interesting to compare the system thus described with the English probation system. The latter entails the suspension of the pronouncement of the sentence itself; probation is for a maximum of three years and a minimum of one year, it is available in a far larger number of cases, as it can be used for all but very serious offences, and it is subject to the consent of the accused. Another difference

from the French system is that in England it is for the court responsible for the accused's supervision to amend or prolong the probation order, in both cases with the accused's consent. Finally, under the English system, a breach of the probation order may result in the accused being either fined or sentenced for the offence for which he had been placed on probation. Also, if he commits a further offence, he may, when sentenced for it, also be sentenced for the offence for which he was placed upon probation.

Jurists will no doubt analyse the two systems in the greatest detail. Criminologists, who are much more interested in practical results, will above all want to compare the efficacy of the two systems. This is where the English system has the benefit of officials called probation officers whom we must organize in France. Treatment outside an institution depends on the personal relationship between the probation officer and the person he is in charge of. This is why the success of the new system of *sursis* will depend on constant improvements in the rules and methods of recruiting and training those in charge of it and on the latter continually trying to improve their working methods.

3. *Treatment Inside an Institution.* This takes place in prison and the modern tendency, with its stress on individuality, is shown in specialized treatment being as diversified as possible. Apart from the preliminary detention of persons awaiting trial (Article 714, etc.), the manner of enforcing penalties involving loss of personal liberty is, in France, governed by two fundamental principles. The first of these is contained in Article 718 which runs as follows: ' In allotting prisoners to prisons regard shall be had to their penal category, age, health and personality.' Penal category depends on both type and length of sentence. Prisoners undergoing solitary confinement or hard labour, as well as those having over a further year of their sentence to serve are held in *maisons centrales*, where they are isolated only at night (*Auburnian System*). Other prisoners, who have received a minor sentence, serve their sentence in a *maison de correction* (which may also be a *maison d'arrêt* where accused persons awaiting trial are being held) where, on principle, they are isolated by day and night (*Pennsylvanian System*). Persons sentenced to *emprisonnement de simple police* are held in a special part of the *maison d'arrêt*.

Penal category is the most important consideration when classifying prisoners in traditional prisons, but they are being classified in accordance with new criteria in specialized prisons. Thus regard is had to age, both in school prisons, to which prisoners may only be sent if their sentence will expire before they are 28, and in special prisons for the senile. There are other examples. Thus a sick or psychopathic prisoner's state of health will determine the prison he is sent to. Thus also a prisoner's personality will determine his classification, by causing him, if he is unfit to work, to be sent to a prison for the senile or to a special prison for such persons or by causing him to be put in a special part of a prison reserved for those habitual criminals sentenced to transportation. A prisoner's personality is also considered when deciding whether to send him to a prison where the treatment of prisoners is continuously adapted to any improvement they may show and any possibility there may be of reclassifying them. In these prisons, after being kept under observation in their cells for a period, prisoners undergo different periods of training (*Irish system*).

The second principle is contained in Article 722 and deals with the *juge de l'application des peines* who, in every prison where sentenced prisoners are held, ' is

charged with supervising their penalties '. He decides, for each prisoner, ' the principal methods of prison treatment ' and when he shall start on each period of training. Both when classifying prisoners and when deciding on their treatment in prison, this judge must seek to ensure that the effect is to ' help to regenerate and rehabilitate prisoners '.

4. *Treatment in Semi-Liberty.* Prison treatment is completed by treatment in semi-liberty. This includes placing a prisoner ' outside the prison ', the system of ' semi-liberty ' and leave from prison, the decision as to each being made by the above-mentioned judge (Article 722).

In this connection one cannot do better than quote from Article 723:

(1) Placing a prisoner ' outside a prison ' enables him to be employed outside a prison on work which is checked by the prison authorities.

(2) Treatment in ' semi-liberty ' includes placing a prisoner outside a prison, free of continuous supervision and under the same conditions of work as free wage-earners, but with an obligation to come back to prison every night and stay there during holidays and on other days when he is not working.

(3) Leave authorises a prisoner to be absent from a prison for a fixed time and depends on the length of the sentence he is serving.

These provisions for treatment in semi-liberty are essential, for it is thanks to them that offenders will be able to overcome the crisis of release from prison.

5. *After-Care and Social Rehabilitation.* Treatment inside an institution followed by treatment in semi-liberty is completed by after-care and social rehabilitation.[2] So one must not be surprised at the Code of Criminal Procedure including conditional release amongst the provisions for the treatment of offenders. (Article 729, etc.). Power to grant conditional release is vested, as previously, in the Minister of Justice, who decides whether to do so after taking the advice of a committee. But what is new is that the power to recommend conditional release rests with the Judge for the Supervision of the Execution of Penalties.

Conditional release remains optional, but it may be granted in all cases of punishment by deprivation of liberty with no sort of reservation whatever as to the type of imprisonment ordered. Its use is limited only by the length of the sentence being served. Thus it cannot be granted in the case of short sentences; if a sentence is of less than six months, a prisoner can only be granted conditional release if he has served three months of his sentence, and in other cases it may not exceed half the period of the sentence. For previous offenders the period which must be served before conditional release is six months if the sentence is one of less than nine months, and two-thirds of the period for which he has been sentenced in other cases. For habitual offenders who have received a sentence additional to one of transportation, the minimum period which must be served is four years longer than the period of their main sentence if it is ' *correctionnelle* ' and six years longer if it is ' *criminelle* '. An important innovation is that persons sentenced to hard labour for life may in future be conditionally released after serving for fifteen years.

The decision to release a prisoner conditionally depends on psychological and practical criteria based on these two considerations. A prisoner must have given sufficient proof of good conduct and shown real signs of social rehabilitation. When a prisoner is conditionally released, he may be subject to special conditions,

[2] J. Pinatel, ' After-care and Social Rehabilitation,' *Bulletin of the Société Internationale de Criminologie*, 1955 (1st Quarter). Pp. 35 *et seq.*

including measures designed to help and supervise him and check his fresh classification. At the request of the judge and after taking the advice of the Consultative Committee, the Minister of Justice may modify these conditions at any time during the period of conditional release. The enforcement of these conditions is ensured by direction, or under the supervision, of committees of which the judge is chairman, with the assistance of associations which act as patrons of the scheme.

When considering the time for which these measures of help and supervision continue, a distinction must be drawn between limited sentences, on the one hand, and sentences of life imprisonment or which are combined with a sentence of transportation on the other. In the latter case they may not be for less than five nor for more than ten years. In the former case they cannot be for less than the period of the sentence which remains unexpired when the prisoner is released nor for more than a year longer than this. It will therefore be seen that the period of conditional release does not depend on the period of imprisonment actually served.

This is a most important reform, for it means that throughout the period of conditional release thus determined the offender may see this decision reversed by the Minister of Justice, on the advice of the Judge for the Supervision of the Execution of Penalties and the Consultative Committee. This means that the offender may have to serve the whole or part of the period of his sentence which had not expired when he was conditionally released in addition, if there is one, to any fresh sentence he may have received. Conditional release may be revoked not merely in the event of a fresh conviction but also for notorious misconduct or breach of the conditions on which a person was released.

This judge has considerable power when immediate action is called for. In this case, after hearing the Public Prosecutor, he may order the provisional arrest of a person conditionally released, at the same time immediately reporting the matter to the Minister of Justice. The time during which a conditionally released person is under provisional arrest counts against sentence. But if conditional release is not revoked during the period for which an offender was so released, it cannot be revoked thereafter and his sentence is deemed to have finally expired from the date of his conditional release.

Such are the chief legal provisions dealing with the after-care and social rehabilitation of offenders. They come on the heels of a profound reform in the law concerning prohibition of residence in certain places. This law, of 18th May, 1955, aimed at providing new measures of assistance in place of, or in addition to, the traditional methods of supervision.

Immense new possibilities are thus opened up for criminology and penal reform in France, for we now have a framework which will enable the treatment outlined by the sentence of the court to be carried out continuously but flexibly under the orders of a judge. The period when criminology was demanding a better method of dealing with criminals may be said to have ended in France. The new system has been inspired by criminologists and makes the development of clinical criminology possible. So we are now at the beginning of a period of applying the new system, when clinical criminology will have to specify its methods and affirm its results. This will not happen without set-backs, difficulties and experiments, but what is important is that it is now possible.

Criminologists who have got used to being critics may be expected to find it difficult to adapt themselves to the positive effort which will be asked of them. Yet

the success of the whole enterprise depends upon this positive effort. This is why it is to be hoped that everything will be done to prevent effort and initiative being wasted. The need for a National Institute of Criminology, as a body of reflection, research and co-ordination, will become clear to all in the years to come.

JEAN PINATEL.

(*Translated from the French.*)

THE MENTAL HEALTH BILL

Summary and Legal Considerations

The Mental Health Bill follows in the main the recommendations of the Royal Commission on the Law relating to Mental Illness and Mental Deficiency. It repeals the Lunacy, Mental Treatment and Mental Deficiency Acts and makes new provision for the treatment and care of mentally disordered persons and, without departing in essentials from the existing law and practice, makes a number of small changes in the legal code governing the management of the property and affairs of such persons.

Reference to informal admission of patients to hospital for mental treatment, which is expected to continue to be the normal method of admission, does not occur until Clause 5 of the Bill. In essence the Bill aims *inter alia* to alter the unenviable status of a mentally disordered person and to treat him in much the same way as if his illness were physical and at the same time to protect the public. How far this will be achieved depends very much on the attitude of the patients, their relatives and the general public.

Mental disorder is defined and classified and falls into four categories: (*a*) Mental disorder—the generic term. (*b*) Severe subnormality—persons suffering from this disorder would probably be classified as idiots and imbeciles under present legislation. (*c*) Subnormality—i.e. feeble-minded persons, and (*d*) Psychopathic disorder.

Where compulsory detention and treatment is prescribed by the Bill, patients and their nearest relatives may appeal to a Mental Health Review Tribunal. Provision for the Tribunal to state a special case for determination by the High Court on any question of law is also made.

Under the compulsory procedure for hospital admission contained in Part IV of the Bill, it is to be noted that the powers and duties of magistrates are superseded. The circumstances in which persons suffering from certain forms of mental disorder may be compulsorily admitted to and detained in hospitals or nursing homes for observation or treatment, or may be placed under guardianship in their own interests or for the protection of other persons, together with right of appeal to Mental Health Review Tribunals, are dealt with in Clauses 25 to 58.

Applications for admission to hospital are to the Hospital 'Managers' and, except in certain circumstances, must be supported by two medical recommendations, one of which must be given by an approved medical officer of the Local Health Authority and may be made on the ground: (*a*) that the patient is suffering from mental disorder of a nature or degree which renders him suitable to be detained in a hospital for observation; and (*b*) that it is expedient in the interests of the patient or for the protection of other persons that the patient should be so

detained. An application may be made either by the nearest relative of the patient or by a Mental Welfare Officer (the latter must if possible consult the nearest relative).

The Mental Welfare Officer of the Local Health Authority is given precedence over the patient's nearest relative in cases of emergency to admit a patient to hospital and detain him for seventy-two hours provided a medical recommendation is also submitted either before or after this officer takes action.

Where the nearest relative unreasonably objects to making an application or is likely to exercise his power of discharge inadvisedly, application may be made to the County Court to transfer the functions of the nearest relative to someone else, and if necessary to the Local Health Authority.

Part IV of the Bill also describes the procedure for the reception of patients into guardianship. Guardianship is peculiarly within the province of the Local Health Authority (Clauses 33–42).

The general rule is that the nearest relative of any patient admitted under the new procedure will hold the power of discharge except in regard to patients admitted from prison, approved school, etc., or following Court proceedings, or where the power of discharge has been transferred to some other person by the County Court.

The Courts have power to order the admission to hospital, or guardianship, of mentally disordered persons convicted of crime and will act upon the advice of two doctors, one of whom must be a specialist. Powers of discharge are given to the doctor responsible for the patient's treatment (*i.e.* the ' responsible medical officer ') in addition to the Hospital Managers, and the Local Health Authority in cases of guardianship or in respect of patients detained in private nursing homes.

Compulsory powers to detain a subnormal or psychopathic patient can only be used if the patient is under the age of 21 years, unless he is convicted of a criminal offence or is transferred from prison, etc., if he is unwilling to be admitted to hospital. From any standpoint it is patent that behaviour and social problems of subnormal persons and psychopaths are not automatically solved at any specific chronological age.

If the Bill proceeds through Parliament in its present form, no hospital will be obliged to admit a patient. At its worst, this might mean that no hospital would admit any mentally disordered patient. The ' responsible Medical Officer ' of a mental hospital could, if present conditions of overcrowding prevail, say that he had no bed available, and the applicant, or Mental Welfare Officer, or medical practitioner concerned, might be asked to try the general hospital or alternatively the welfare institution, chronic sick unit or the like. This will probably cause unnecessary delays even though mental hospitals are unlikely to refuse admission in the last resort. It should be borne in mind that applications are to the ' Managers' of hospitals, not to the Medical Officer.

With the disappearance of the magistrate, legal responsibility for the detention of patients will be shared by the doctors. The Royal Commission accepted the view that a minority of doctors would be reluctant to accept this burden and indeed there is much to be said for the preservation of the judicial element in the cases of patients who are recalcitrant or litigious. The Commission thought, however, that the Mental Health Review Tribunals would provide an adequate safeguard and the draftsmen have followed this reasoning.

On the positive side, Local Health Authorities, *i.e.* County Councils and County

Borough Councils, are being given encouragement to carry out their duties under Section 28 of the National Health Service Act, which relates to arrangements to be made for the purpose of the prevention of illness, the care of persons suffering from illness (including mental disorder) or the after-care of such persons, and to provide, equip and maintain residential accommodation where necessary. In addition, training centres for mentally handicapped children remain a principal function in mental health administration, and Mental Welfare Officers are statutorily defined.

Additionally, the registration of mental nursing homes and other homes provided for the care of mentally disordered persons are made part of the Local Health Authorities' duties and removed from the jurisdiction of the Board of Control or Justices acting in Quarter Sessions.

There is no doubt that the Bill as it stands is a courageous document. It clears away what has been described as a ' jungle of social law ' and as far as can be seen it does not, as many lawyers feared, plant yet another. Nevertheless, some comment is perhaps not inappropriate on matters which appear to have been overlooked.

Reference has already been made to the obvious need for compulsory power to deal with subnormal and psychopathic patients of any age. The subnormal patient (*i.e.* feeble-minded person) does not suddenly grow up on attaining chronological majority and social problems will doubtless arise if he is abandoned, or has irresponsible parents or no parents at all, after the care and training he has received in the shelter of a hospital, guardianship home, or selected employment on licence.

Secondly, local health authorities will have no statutory authority obliging them to carry out the supervision of school leavers; a class of patient who hitherto have had considerable help in many areas through the difficulties of adolescence. One suspects that the Juvenile Courts will become the busier if Section 57(5) if the Education Act 1944 is not substantially re-enacted in the new Mental Health Act. At all events the Health Authorities, unless a special scheme of ascertainment is devised, will have no clear idea of the size of the problem of subnormality in their areas. The function of supervision of subnormal patients could well be permissive, and as at present persuasive ' after-care ' of this type is all that is needed, until by precept and example mentally subnormal youths have learnt that freedom is not licence, and that they are subject to the conditions and restraints of ordinary life in the community.

Finally, is the ' liberty of the subject ' a matter for medical rather than judicial authority, and if so will the doctors be quite happy about it?

A. H. EDWARDS.

The Mental Health Bill and the Psychopath

I

The Mental Health Bill was published on 5th January, 1959. It is an indication of public and governmental interest that it should have followed so soon upon the Report of the Royal Commission on Mental Illness and Mental Deficiency and to the credit of that Commission that so many of its recommendations have been followed. The purpose of this Note is to consider the Bill as it refers to psychopaths and criminals and to make criticisms and constructive suggestions.

The Bill consists of nine parts and eight schedules. Part I repeals the Lunacy and Mental Treatment Acts 1890–1930 and the Mental Deficiency Acts 1913–1938.

It provides for the dissolution of the Board of Control and for the establishment of Mental Health Review Tribunals to protect the rights of detained patients. It defines the whole range of mental disorder under four headings: mental illness, severe subnormality, subnormality, and psychopathic disorder (Sec. 4). Psychopathic disorder means ' a persistent disorder of personality (whether or not accompanied by subnormality of intelligence) which results in abnormally aggressive or seriously irresponsible conduct on the part of the patient, and requires or is susceptible to medical treatment.'

The Royal Commission defined only three types of mental disorder, including the minor grades of subnormality with psychopathic patients. It is difficult to see why this change has been made, because it is a common clinical experience that minor grades of subnormality are not usually medical or social problems unless occurring together with mental illness or a disorder of personality. It is indeed a feature of the Bill (Sec. 26(3)) that, in applications for admission for treatment, the patient may be described as suffering from more than one form of mental disorder, so that subnormality may come to be used mainly to support a recommendation under the heading of psychopathic disorder. The separation of these two conditions makes it certain that we shall never again slip into the existing dilemma as to whether mental defect is a matter of intellectual or other defect.

Following closely upon this definition is the statement that ' promiscuity or other immoral conduct ', on its own, is not to be construed as implying mental disorder in any form. This is a striking statement for promiscuous means ' without discrimination or method . . . casual, carelessly irregular ' (O.E.D.), which seems to indicate the essence of psychopathic disorder.

Possibly ' sexual promiscuity ' is meant, with the intent to exclude prostitution, adultery, fornication and some forms of perverse sexual behaviour unassociated with mental disorder. But surely the requirements of the definition—persistent, abnormally aggressive, seriously irresponsible—exclude these categories of behaviour at least as effectively. To leave this clause will lead inevitably to undignified and harmful struggles, in courts and tribunals, in which the patient will try to prove himself promiscuous or immoral in conduct in the hope of evading any compulsion. It would seem clear that this clause should not pass unaltered into the Act.

Part IV defines the circumstances and describes the procedures by which persons suffering from certain forms of mental disorder may be compulsorily detained in hospitals, nursing homes, or placed under guardianship, in their own interests or for the protection of others. It provides also for safeguards by means of powers of discharge and access to Tribunals.

It is proposed to discuss these questions under three headings: (1) Those psychopaths who are willing to accept treatment, (2) those who are not, and yet have committed no criminal offence or omission, and (3) those who have been brought before a court.

Willing Patients. At present persons wishing to undergo treatment, unless they are referred to certain non-designated hospitals or parts of hospitals, must comply with the requirements of the Mental Treatment Act of 1930. An application must be made by the patient or his guardian. A medical certificate must be obtained if he is under 16. There are powers to prevent his discharge for a period of seventy-two hours. There are powers for official visiting and certain notices must be sent to the Board of Control. The Bill, following the recommendation of the Commission, abolishes the Mental Treatment Act and, with it, all these requirements ;

a patient may be accepted into any hospital willing to treat him (Sec. 5).

Unwilling, Non-offenders. At present except in the case of children and young persons found to be in need of care or protection, or beyond control, unless a person is certifiable under the Lunacy or Mental Deficiency Acts, or the ' temporary ' provisions of Sec. 5, Mental Treatment Act, no compulsory powers can be used for these patients. Both the Commission and the Bill, however, envisage wide powers. Any type of mentally disordered patient may be admitted for observation to hospital for twenty-eight days if so recommended by two doctors and if a hospital is willing to accept him, and this (unless the nearest relative objects) without the necessity for judicial authority. Further the Bill makes it possible to admit to hospital or to guardianship patients with psychopathic disorder, or subnormality (the Commission recommended that only psychopaths should be so handled) and that the powers should remain, where necessary, until the patient reaches 25. Again all that is necessary is an application, two medical recommendations and willingness on the part of the receiving hospital or guardian. Furthermore, in the case of psychopaths detained in hospital, the responsible medical officer, when the patient reaches 25, may renew powers to detain him if he can report that the patient is likely to act in a manner dangerous to others or to himself.

The 28-day procedure will be a welcome means of making a start with unwilling patients and of trying to show them the possibilities of treatment, in the hope that they will continue voluntarily thereafter. It will also offer invaluable opportunities to study that elusive section of psychopaths which, at the present time, cannot be held long enough to make effective investigations. Two points arise, however; there appears to be no mention in the Bill as to how many periods of twenty-eight days can be used in any specified time; what happens with the vagrant who moves from town to town? Is it the intention that, within a few days of release, some other doctors can institute a further period of observation? Secondly, there is the question of whether or not the medical profession should operate these compulsory powers without the intervention of a judicial authority. The writer, among others of the profession, is firmly of the opinion that it should not. The question of safeguarding of the rights of the patient (which admittedly may not be much, if at all, increased by the judicial authority), is by no means the only consideration. It seems absolutely essential that the profession should keep clear of anything which in the eyes of the patient and hence of the community could be construed as the operation of some minor criminal code.

As to the Bill's proposals for psychopaths and subnormal individuals under 21, it would seem that the endeavour has been to follow the Commission's concept of ' providing training compulsorily when the diagnosis is made while the patient is still young, when training is most likely to be successful ' (p. 9, para. 31). Evidently ' still young ' in this context means up to 25 years. But we do not yet know which age groups are most likely to benefit, nor how nor where our major efforts should be expended; it might be up to the fifth year, from 5 to 10; perhaps we should be concentrating not on individuals but on families in which there are young children showing certain warning signs. Nor do we know what damage might be done, and what new difficulties might be created by applying coercive measures to young people. Experience suggests that of all periods segregation is least acceptable during adolescence and that such measures may well lead to a vicious circle of rebellion and counter control. It is not difficult to find instances in which young people have been labelled as aggressive or inadequate psychopaths, who have been recom-

mended for institutional care, but who have avoided that disposal and adjusted in a very satisfactory manner. Very little is known of the natural history and progress of psychopaths, but such studies as have been made, for example that of T. C. N. Gibbens (*J.Mental Sci.*, January, 1959) suggests that prognosis is as yet very unreliable. The argument is not that there are no young psychopaths needing compulsory admission, but that it is far better to forego the compulsory powers for these few than to risk embarking on measures which may endanger many, which will be differently interpreted by various doctors and which will saddle the medical profession with residential patients who may well prove, in the present state of our knowledge and facilities, untreatable. And let us not forget that, because of the possibility of the barring certificate at 25, we shall be running the risk of perpetuating mistakes far into adult life. Any psychiatrist knows how often psychopathic problems are bound up with sexual maladjustment and how often, especially with girls, the problem is gradually worked out and adjusted through the finding of a satisfactory boy friend or girl friend, and ultimately by marriage; the chances of so doing would not be helped by admission to hospital. Either these new powers for young people will be so little used as to make the enactment unjustified, or else the results of it will run the risk of being disastrous. And here also, even more than with the 28-day procedure, the medical profession should keep clear of operating a coercive policy on patients who will appear much more as social problems than medical or psychiatric. Social problems will not be solved by requiring doctors to remove them temporarily from sight.

Those Appearing before Courts. At present there are five different methods relevant under this heading:

(1) Apart from those found insane on arraignment, those who have stood trial and been found guilty but insane may be detained during Her Majesty's pleasure as Broadmoor patients, or if mentally defective may be transferred to a mental deficiency institution or to guardianship by order of the Secretary of State under Sec. 9 of the Mental Deficiency Act, 1913. The Bill repeals the Mental Deficiency Act. Instead an order for detention during Her Majesty's pleasure is to have like effect as a hospital order (see below) together with an order restricting discharge without limitation of time.

(2) On conviction of any offence punishable with imprisonment or on being found liable to be sent to an approved school the court may in appropriate cases order a petition under the Mental Deficiency Act, 1913, Sec. 8 (i) (a), or itself make an order for admission to a mental deficiency institution, Sec. 8 (i)(b). Both these are abolished in the Bill.

(3) Sec. 30, Magistrates' Courts Act, 1952 is also abolished so that those found liable to imprisonment, and who are mentally ill, can no longer be ordered under this section to be detained in a mental hospital. This method is replaced by Sec. 59 of the Bill.

(4) Sec. 4, Criminal Justice Act, 1948, which enables a court in certain cases to add to a probation order a condition of treatment for a period of not longer than one year, remains intact. The Royal Commission's suggestion that the period of treatment might be increased to cover the whole period of the probation order and that the local authority might take over the supervision from the probation officer (p. 182) was not followed in the Bill. Sec. 26 of the same Act, enabling certain offenders to enter hospitals for investigation during remand periods, also remains.

(5) Prisoners, those in approved schools, and some other detainees, on being found of unsound mind or mentally defective may be transferred by the Secretary of State to hospitals as Broadmoor patients until the end of the sentence, under Sec. 9, Mental Deficiency Act, 1913. This is repealed in the Bill which, instead, gives the Secretary of State wide powers to order the transfer to hospitals of persons detained during Her Majesty's pleasure, or serving prison sentences, or committed to approved or other corrective establishments, or remanded in custody, and found to be mentally disordered. These measures open up welcome opportunities for co-operation between hospitals on the one hand and penal and training establishments on the other. If properly used these transfers and returns might obviate many of the orders for hospital admission in the case of criminal psychopaths mentioned below. Sec. 78 of the Bill authorizes the transfer, by the Secretary of State, of approved school inmates to the guardianship of the Local Authority, providing the latter is willing. This in effect would provide an extended form of approved school after-care.

The new powers for dealing with the mentally disordered who appear in courts follow fairly closely the recommendations of the Commission, but there are one or two very important changes (Commission's report para. 520 *et seq.* and the Bill, Pt. V. Secs. 59–69 refer).

Briefly, on two medical recommendations (indicating any mental disorder and the patient's suitability), if the individual is convicted of a serious (specified) offence and there is no more appropriate method available, then the court may authorize *by order* hospital admission or guardianship. Then follows a discrimination between the mentally ill and severely subnormal on the one hand, who may be sent to hospital or guardianship without the recording of a conviction, while, on the other hand, in the cases of psychopathic disorders or subnormality the conviction is proceeded with. One wonders how much clinical justification there is for this differentiation and how much it may influence the official diagnosis in intermediate cases. No such orders can be made without the willingness of the hospital or guardian, and adequate means are provided for enforcing the order.

It may be supposed at first glance that variation in practice may develop under the Bill as to whether Sec. 4, Criminal Justice Act or Sec. 59 of the Bill is to be used. But Sec. 59 (a) (ii) states that before an offender can be dealt with under this section he must be ' suitable to be detained in a hospital for treatment or to be received into guardianship . . . '; the use of the word ' detained ' rather than ' admitted ' seems to imply that the person must be needing compulsion to remain in hospital or under guardianship.

Sec. 4 cases, on the other hand, equally certainly must be willing—this is implicit in the making of a probation order—and furthermore the Bill states (p. 125) that, in future, persons suitable to be detained under Sec. 59 of the Bill may not be dealt with under Sec. 4, Criminal Justice Act. It also states that Sec. 4 cases may be treated in hospitals and mental nursing homes but not in state institutions.

Extremely important is the Bill's Sec. 64 which deals with the powers of a Court of Assize or Quarter Sessions to restrict discharge from hospital (where a patient has been admitted under Sec. 59 described above) if it is considered that there would be a risk of further offences were the patient to be set at large. Leave of absence, transfer or discharge may then only be arranged with the consent of the Secretary of State, and no application may be made to a mental health review tribunal. The Commission and the Bill allow the court to make the order ' either without limit

of time or during such period as may be specified in the order.'

Medical Reports. The Commission's recommendations that of the two doctors making medical reports one should, if possible, already know the patient, and that not more than one should be a prison doctor, have not been strictly followed. In emergency procedures (and this, of course, scarcely applies to psychopaths) one doctor is sufficient, and where a restriction order is being considered, one of the two requisite doctors must appear in person (Bill, Sec. 64 (2)). For all the main procedures, two medical reports are required, one from a doctor approved for the purpose by the Local Health Authority, ' as having special experience in the diagnosis or treatment of mental disorders '. It would be a greater safeguard if the special experience was in diagnosis *and* treatment. The doctors may, of course, be called by the court or by the accused. When the accused is not represented it shall be sufficient that the substance of the report shall be disclosed to him, or, in the case of a child or young person, to his parent or guardian (Sec. 61). This will be very much appreciated by the doctors.

Part VI makes it possible to transfer certain criminal and other patients, detained in hospital or under guardianship, from place to place within the United Kingdom, without a break in the authority for detention.

Part VII empowers the Minister of Health to provide the necessary special security institutions for mentally disordered patients with violent, criminal or dangerous propensities, and to transfer patients from these institutions to other hospitals. Rampton, Moss Side and Broadmoor will not be incorporated in the administrative system of the National Health Service.

Constructive Suggestions. If an increase in Exchequer grant is made available it will allow greater freedom in the organization of services for mentally disordered patients. There will be a risk that these additional services will be fragmentary, poorly co-ordinated and based on possibly incorrect ideas as to the needs of specific types of patient.

For psychopaths and criminals a scheme is required which will combine research, diagnosis and treatment in a manner which will be of benefit over the whole field rather than for selected samples.

It is suggested that there should be four or five observation centres established throughout the country. Their function should be diagnostic, advisory and to some extent therapeutic. They should provide a focus for research teams and for specialized training of all grades of worker from physician to social worker, and should serve to co-ordinate and develop the treatment resources of the community. They should be administered by the Minister of Health.

The centres should deal with the psychopathic group, including criminals and delinquents, and, through them, with their families. Willing cases would be self-referred, sent by their general practitioners, brought by parents or guardians, or referred by other agencies; no case would be accepted if it were considered that existing services could provide for their needs unaided or without preliminary study in the centre.

Offenders would be sent by courts on bail or in custody, or transferred for observation or reclassification from hospitals, penal and corrective establishments.

Unwilling non-offenders would be accepted under the 28-day procedure of the Bill.

Accommodation would be both residential and on the lines of out-patient services. The range of patients would be so diverse as to necessitate subdivision

which would be primarily by sex (except before adolescence) and then by maturity: (*a*) Junior—up to 14th birthday. This would serve as or share the function of, amongst others, remand home, place of safety (Children and Young Persons Act) and approved school classification centre; (*b*) Intermediate—14 and up to 21st birthday, the remand centre of the Criminal Justice Act; (*c*) Senior or adult—21 and upward. There should be considerable flexibility in allocating and re-allocating individuals to one of these centres, so that, for instance, an immature and sexually unsophisticated girl of 15 or 16 might be admitted to the junior section rather than the intermediate. The three types of centre, if not under the same roof, should at least be administratively closely connected in order (1) to facilitate the flexibility already mentioned, (2) that all levels of staff, especially those in training, may have experience with all age levels of both sexes; thus artificial differences in outlook between those working in different establishments would be reduced. There would, of course, be some segregation within the units, *e.g.* for the very aggressive, but a high proportion of well trained staff would minimize it.

Each centre would have: (1) a permanent medical, psychiatric, psychological, nursing and supervisory staff, including a panel of visiting experts from hospitals accepting ' severely subnormal ' and mentally ill patients, medical officers from the Local Authority and from penal and corrective establishments; (2) a temporary quota of doctors and other grades of workers, attending as students or for refresher courses, a proportion of these being exchanges with other establishments; (3) students, without clinical responsibilities, attending selected activities and conferences according to their needs. Among these may be some law students, magistrates, administrators and teachers. Case conferences would be integral, and all staff, including members of visiting panels, would be required to take part at their appropriate level. As recommended by the Commission (para. 687) ' clinics undertaking these diagnostic investigations would also suitably function as consultative clinics to give continuing advice to parents and, in adult patients, filling the rôle of hospital out-patient clinics for these forms of mental disorder .'

Diagnosis in this field could hardly be carried out effectively other than in a therapeutic atmosphere. Nevertheless, as soon as treatment is undertaken, certain difficulties follow: the tendency to select the prognostically favourable or most responsive cases, the snowballing effect resulting from the discrepancy in time requirements of diagnostic and treatment procedures, the consequent tendency to spread treatment so widely, in an effort to do something for everybody, that it becomes ineffective. A policy of compromise would therefore be necessary, along the following lines—treatment facilities for limited numbers, out-patient and in-patient, would be available, to include the prognostically favourable and unfavourable cases, and once started would be as intensive and as long continued as required (within any legal limitations).

The increased or new community services made possible by the Bill could be implemented in an order and to an extent advised from a basis of experience and research carried out in the observation centres, which would also have the effect of standardizing the practice in relation to the new definition of psychopative personality.

P. D. Scott.

The Mental Health Bill and the Psychopath

II

The Mental Health Bill raises various possibilities regarding the treatment of psychopaths. Peter Scott's careful analysis of the Bill rightly stresses difficulties inherent in treating all psychopaths whether they will be willing, unwilling, non-offenders or criminal. He visualizes four or five observation centres organized very much on the lines of the diagnostic centres recommended in the Royal Commission's Report. These centres would be ' diagnostic, advisory and *to some extent therapeutic* ', and would be available for both court and hospital referrals, including willing cases who would seek help on their own account. It would seem that such centres set up under the auspices of the Ministry of Health would be valuable in establishing certain criteria for classification into sub-groups, *e.g.* those suitable for open or closed treatment units in hospital, or for referral to the prison hospital, out-patient treatment, probation, etc. I cannot, however, visualize such centres with their rapid turnover of assessment cases being also a suitable milieu for long term treatment.

Admittedly we know relatively little about the treatment of psychopaths but no one would seriously question the need for special facilities where a relatively slow turnover of patients (carefully selected at the observation centres) could be treated and the results of treatment systematically evaluated. Unless we can have treatment units both out-patient and in-patient, adequately staffed by well trained personnel so that existing methods of treatment can be evaluated by follow-up studies, etc., it is difficult to see what in the long run the observation units by themselves would achieve.

There would appear to be a need for treatment units both inside prison and outside, and the new Bill anticipates the transfer of patients from prison and other penal institutions to hospital where appropriate.

Treatment units outside prison will presumably have considerable advantages, but they will also tend to rouse public anxiety on security grounds. The growth of such units can only be slow and one or two carefully planned pilot units would be much wiser than any number of treatment centres inadequately staffed. There seems little doubt that the present court procedure of referring probationers (Sec. 4 of the Criminal Justice Act) to mental hospital is in the main ineffective. This is inevitable when one faces the reality of overworked mental hospital psychiatrists, most of whom have had little or no training in psychotherapy. Moreover, the type of patient referred by the courts is frequently a psychopath within the meaning of the new Act and does not easily fit into the régime of a mental hospital ward. He is not susceptible to the usual physical methods of treatment and readily arouses feelings of anger and resentment in the other patients and staff.

We believe that patients of this type require a treatment approach based on group and community methods. The basic problem centres round difficulty in social relationships and the acceptance of external reality. A therapeutic community encourages the individual to express his feelings openly and at the same time faces him with the effect of his behaviour on others. The patients are afforded a degree of self-determination in all matters bearing on their hospital existence and are helped to identify themselves with the hospital. In such a setting anti-social attitudes can be examined and modified. This treatment approach calls for a

numerous staff well trained in group methods and a patient population preferably of both sexes limited to 100.[1]

Assuming that both observation and psychopathic hospitals are desirable, where should they be sited? There would appear to be a good case for placing them in situations away from existing psychiatric hospitals, but no effort should be spared to maintain the closest possible link with general psychiatry. The danger is that they become isolated and ' devalued ' as has tended to occur in the case of mental deficiency hospitals. At the same time it would be more economical to allow them to ' bud off ' from existing mental hospitals where laboratory facilities, consultants in the various branches of medicine and many other assets would be available. However, such units would be different in many respects from the parent hospital and there would be ideological problems, rivalries, scapegoating and many other difficulties to face. Nevertheless it is our experience that the development of community methods suitable for the treatment of psychopaths has much in common with the development of a therapeutic community for schizophrenics [2] or for a prison population of mixed psychiatric diagnoses.[3] Certainly the staff training requirements call for the same fundamental experience in inter-personal relationships and group work.

It should not prove too difficult to plan a closely integrated service involving psychiatric clinics and the courts together with observation centres, prison treatment centres, open and closed psychopathic hospitals, out-patient services, etc., and the Mental Health Bill envisages planning along these lines.

MAXWELL S. JONES.

THE STREET OFFENCES BILL

The strident demand to clean up the streets prevailed during the easily obtained second reading in the Commons of the Street Offences Bill. With the declared intention of making further provision against loitering or soliciting in public places for the purpose of prostitution, the Bill contains all the repressive recommendations of the Wolfenden Committee and none of its reformative ones. In presenting the Bill, the Home Secretary acknowledged that its measures would result in driving some of the trade underground.

The term ' common prostitute ', which mitigates against the presumption of innocence, remains. Annoyance need not be proved. Soliciting thus becomes an absolute offence if a constable, with reasonable cause, suspects anyone of com-

[1] See: JONES, MAXWELL. 'Social Psychiatry,' London: Tavistock Publications, 1952; 'The Concept of a Therapeutic Community.' *Am. J. Psychiat.*, **122,** 647, 1956; ' The Treatment of Personality Disorders in a Therapeutic Community.' *Psychiatry*, **20,** 211, 1957.

[2] WILMER, HARRY. ' Social Psychiatry in Action.' Springfield, Ill.: C. Thomas, 1958.

[3] See: STÜRUP, G. K. 'The Treatment of Criminal Psychopaths in Herstedvester.' *Brit. J. Med. Psychol.*, **25,** 1, 1952. ROOSENBURG, A. ' The Treatment of Criminals in Institutions ' W.H.O. Seminar on psychiatric treatment of criminals held at Copenhagen, April 24th—May 9th, 1958. LANDERS, J. J., MCPHAIL, D. S. and SIMPSON, R. C. ' Group Therapy in H.M. Prison Wormwood Scrubs.' *J. Ment. Sc.*, **100,** 953, 1954.

mitting the offence of loitering or soliciting in a street or public place for the purpose of prostitution. The Church of England Moral Welfare Council, in a recently published pamphlet, proposes that annoyance should still be proved where any person loiters or solicits for any libidinous purpose. This appears wider than ' prostitution ' in its concept—but the government rejected it just the same.

The Bill provides that, on the third offence for soliciting, a prostitute shall be liable to a fine not exceeding twenty-five pounds and/or imprisonment not exceeding three months. Raising the fines merely brings money values up to date, and no objection need be made to that. The punishment of imprisonment is presumably intended as a deterrent. Prisons are too full already, cluttered up with those serving short-term sentences. Surprisingly, the Moral Welfare Council states that it expresses no views on penalties.

Many of us fear that this clause will lead to bribery. As Dr. Fairfield pointed out in this *Journal* (Volume IX, No. 3, January, 1959), it has been cheaper for a girl to be fined than to bribe. All recent declarations by the police go to show that there are no large organized rings, or vast underground network below the surface of the present blatant strutting in the streets of London. Prostitution has been likened to a sponge which, squeezed in one part, swells out in another.

Although the Home Secretary states that, in the long run, it will mean that fewer young women would fall into this way of life, the Bill includes no measures to deal with new recruits. Some of them stay, others could be persuaded to give up the worthless game, if enough time is made available for such persuasion. The Moral Welfare Council supports the Wolfenden Committee's recommendation that the courts, before sentencing early offenders, should first remand them for social and medical inquiries, adding the rider ' save when the court is satisfied that a remand would serve no useful purpose '. During such a remand, it would be possible for the Probation Officer to get into touch with the girl's parents and make arrangements, if she agrees, for her to go home. This measure is imperative if anything is to be done to get the young prostitutes off the streets. They are the noisy, indiscreet streetwalkers likely to respond when treated kindly and firmly in the early stages. The proposed two recorded cautions before any woman was first charged, with women police offering the name of a welfare society, is a poor substitute. I believe it is supported by M.P.'s who do not in their hearts believe that strong redemptive measures would succeed.

In accordance with a minority Wolfenden recommendation, the maximum punishment for pimps, who live on the earnings of prostitution, is increased from two to five years. If a girl needs such protection from her chosen, paid companion, does she not also need protection from prison? And, even more, from her own foolhardiness when young?

The Moral Welfare Council would like to see the present maximum penalties for importuning to be reduced, and all local laws against importuning repealed in favour of a uniform national law. This argument, like all the others in the pamphlet, is forcefully and cogently put forward.

Perhaps the House of Commons was not at its best on the dank, smoggy night of the second reading. Maybe in Committee the Bill will be amended to include more useful methods of dealing with prostitutes. With the government whip on, it seems unlikely, and I cannot voice too strongly my unhappy disquiet about the Bill.

JEAN GRAHAM HALL.

CRITICAL NOTICES

LIFE PLUS 99 YEARS. By Nathan Leopold. (London: Gollancz, 1958. Pp. 381. 21s.)

Stone walls do not a prison make,
Nor iron bars a cage . . . .
But God, what a lifelike imitation!

This is the story of his prison life by a man who has been incarcerated for thirty-four years. On 21st May, 1924, two youths of respectable Chicago families kidnapped and murdered a 14-year-old boy named Bobby Franks. Their crime was not committed for financial gain, nor out of malice. It was a crime planned and executed by two college graduates of above average intelligence and ability who thought that they could carry out a perfect crime which would defy detection. They were betrayed by the fact that Leopold dropped his glasses near the body and that they were of a unique design. The enormity of this crime shocked the whole of America and became front page news in Europe. It was heralded as the ' Crime of the Century '. But although a fifth of this book is devoted to an account of the circumstances of Leopold's detection and trial, its importance does not lie here, but rather in its merit as an outstanding account of prison life. There have been other convict authors in San Quentin and Alcatraz, but Leopold writes in a clear sociological and psychological vein, and for that reason ' Life Plus 99 Years ' is a valuable addition to the literature of criminology. To students of the prison community especially, it is of interest in that it covers the same years as Donald Clemmer's classic ' The Prison Community ', lately reprinted after having been long unobtainable in this country. The aspects of the prison's social structure described and analysed by Clemmer can be discerned in Leopold's book, but with more vividness and an intimacy which takes the reader back over thirty years with the ease of a time machine.

Leopold, with his boyhood friend Richard Loeb, entered the Illinois State Penitentiary at Joliet in October 1924, and was paroled from Stateville in the summer of 1958. Loeb did not live to see that day. He was to suffer a barbarous death at the hands of an insane fellow-prisoner in the winter of 1936. Many times in these years Leopold sought to understand the motive for his own crime, but never found one. He suggests that it was committed under the strong influence of Loeb, and it has some of the characteristics of an act of *folie à deux*. The elaborate psychological analysis of the two boys before their trial did not, however, reveal any gross abnormality or disturbance. It bears remarkable similarity to offences which have occurred with increasing frequency amongst adolescents in America, crimes committed ' just for kicks '.

Long sentences of the type imposed by courts in the United States are unknown in this country, but it is often the case with certain types of habitual criminal that they have enjoyed very few months of liberty in a lifetime of crime. For this reason, Leopold's account is of more practical relevance than it would first appear. It is commonly accepted that prolonged incarceration accelerates the process of mental and physical decay and it is often the case in British recidivist prisons that men who look 50 or 60 may well be only 30 or 40. In the course of his sentence Leopold has become a diabetic and developed a chronic disease of the kidneys, but his intellectual capacity has been unimpaired. Indeed, it has developed in such a way that

prison has been his university as well as his home. On reading this book one is left with a sense of wonder, that the human spirit can not only survive in the face of such adversity but also flourish. For him the challenge of life itself has been incapsulated in the little world of prison. Cut off from the prospect of a brilliant career on the very threshold of manhood, he has matured from an impressionable adolescent into sagacious middle age with a clearer idea of the value of service to his fellow men than he would perhaps have come by in the outside world. Quite apart from such illumination of a personal kind, Leopold's book is a criminological commentary of rare quality.

Entry into prison for these two middle-class Jewish boys was the beginning of a journey into an unknown world of which they had but the haziest of ideas. Whereas for the majority of their fellow ' cons ' the journey had been by way of the Reform School of St. Charles and the Reformatory at Pontiac, for them crime and delinquency were things that were done by other kinds of people living in other areas of the city. Leopold remarks upon the homogeneity of the group originating in the classic delinquency areas of Chicago made world-famous by Clifford Shaw. Quite early in their prison life Leopold and Loeb had to adjust to the ' hoodlum code '. Being a ' good hood ' involved primarily loyal adherence to the norms of the prisoner group. A con did not tell on his fellows even if it meant going to the ' Hole ' for his silence. He describes in fascinating detail his absorption into this community in its social and technological complexity. Learning to operate the ' glim box '—a primitive fire-making apparatus vital to enjoying a smoke in the absence of matches—was one of his earliest achievements. (Later on he was to demonstrate and impart his skill to Edwin Sutherland on a visit to the prison!) The experience of remand in the Cook County Jail with its ball games and card schools had something in common with the jails of the very early nineteenth century, but the grim stone of Joliet was yet to come. ' Slopping out,' a feature of British prisons probably criticized more often than any other, pales beside his description of the ' bucket run ' when the excrement of eighteen hundred men was flung daily into an open cesspool twelve feet square.

To go with these physical surroundings was an inadequate diet from which sugar, green vegetables and fruit were absent. The visits of Leopold's family were welcome not only for the comfort that they brought but for the food that he enjoyed on them. Throughout his whole period in prison his family never deserted him, but came week after week, never abandoning him in spite of the pain and anguish which he had caused them.

After some months at Joliet Leopold developed appendicitis and was removed to the prison at Stateville. After Joliet, it was like heaven on earth and here he remained for two years. During this period the Deputy Warden was stabbed to death by a group of mutinous convicts. He was in the ' Hole ' at the time, handcuffed to the bars of the inner door for having in his possession a brace of pigeons he had hoped to cook for an extra meal. The mutineers released him and asked him to join them in escaping. Wisely he refused, for those who were caught were hanged. In 1930 he committed a minor offence and was transferred back to the dreaded Joliet. He was at a loss to understand the reason for this severity, but he was soon to discover it. Loeb, from whom he had been kept rigidly separate all these years save for the Jewish festivals, was to be transferred to Stateville. This policy was largely a result of pressure from the Chicago newspapers and Leopold risked asking the Warden whether he thought himself master in his own house.

He returned to Stateville after there had been riots there as well as at the old prison. His first assignment was to build up the library which had been all but destroyed by the rioters. Together with Loeb, he embarked on a more ambitious project, the founding of a correspondence college within the prison. For a long time he had been struck by the inadequacy of the educational facilities. He had been a teacher in his first months at Joliet, but when the news leaked out into the press he was immediately shunted back into the workshops. These courses were designed to be taken by men in their spare time to ensure that only really keen men were involved. Together they consulted outside adult education experts and wrote out the lessons and marked the papers. By the time they had finished 108 courses were offered, some to first-year undergraduate level.

But perhaps more interesting was his work in the Sociological Office of the prison. The idea of a Sociological Research Office as a permanent feature of a British prison sounds like a pipe dream in 1959; that one should have existed in Stateville in 1933 only goes to emphasize the extent to which we in this country have lagged behind in mobilizing the techniques of social science for penological research. Leopold's energy seems to have been inexhaustible and his curiosity unbounded. He collected case histories for the sociologist and found one of them later in a volume of the Wickersham Report. He had learnt of the Burgess Prediction Scale and set to work to standardize a questionnaire for use in predicting success on parole. In this he attracted the interest of a number of distinguished academic criminologists, and in 1934 Ferris Laune, the prison sociologist, published the material in a paper in the *Journal of Criminal Law and Criminology*. In 1935, under the pseudonym of William F. Lanne, Leopold published his own paper in the *Journal*. Meanwhile he had prepared a monograph on the whole prediction field and it was on the machines of the University of Chicago Press when it had to be withdrawn. The *Chicago Tribune* had ferreted out the true identity of William F. Lanne. That publicity also cost him his job in the Sociological Office.

The period that he describes as the happiest in his prison life came abruptly to an end when Loeb was murdered. From then on he stood alone. For a while he kept the Correspondence College going as a memorial to him, then when it was firmly part of the institution he transferred to the X-ray Department of the hospital. Characteristically he set to work to learn as much as he could about radiology, enough to get his name later on the Register of American Medical Technologists. With the coming of the war a malaria research unit was set up in the prison. In this unit prisoners voluntarily underwent infection in order to test the effects of new drugs which were urgently needed for the Forces in the Far East. In this work Leopold became an eager student as well as a participant; he spent hours learning how to work with the microscope.

In 1947 the Parole Board reviewed the sentences of those who had taken part, but his did not come before them until 1949. His 99-year sentence was reduced to make him eligible for parole in 1953. In that year his case was heard again. He was not only denied parole, but was required to serve *another twelve years* before he could be heard again. Meanwhile, he had salvaged the schedules from the original prediction survey of 1937 and with Lloyd Ohlin went through the material to see how far the criteria had been validated. In the event the results were disappointing. During these years Leopold petitioned the Parole Board for a rehearing on three separate occasions. His third plea was allowed and he was released after thirty-four years in prison.

Erle Stanley Gardner in his introduction makes the point that while Leopold's crime was called the ' Crime of the Century ' similar crimes are committed with remarkable frequency today with proportionately less publicity. It is understandable that back in 1924 Leopold and Loeb could have been regarded as monsters, almost as symbols of a violence which, because it fell into no rational pattern of motivation, was all the more terrifying. It is less easy to understand how the Illinois Parole Board, like Pharoah, would not let him go even thirty years later, although men less likely to succeed than him were being released, and although he assembled in his support a more distinguished galaxy of friends than the average suppliant before the Board assembles in his wildest dreams. Could it be that the horror of the crime still lingered on? In view of the fact that a whole generation had grown up since 1924 to whom Leopold and Loeb were merely names in their parents' memory, it seems unlikely that public opinion in Illinois was directly concerned. But Leopold's misfortune is that his crime has been turned into a legend and kept alive by several plays and novels. If he had been an ' ordinary criminal ' he might well have been forgiven, but he killed for no rational motive. This fact has been the source of both ghoulish fascination and continuing unforgiveness.

That his crime is a painful memory to him is abundantly clear. Over the years his sorrow at what he had done developed while the pain he caused must have diminished. Time, the great healer, has not helped him in this. If nothing else, this book should demonstrate the superior deterrence of imprisonment over capital punishment. Most criminals experience the full glare of publicity at the time of their trial and it then dies away. For Leopold the press has been like a powerful searchlight, often turned on at a moment's notice, denying him even the privacy of life imprisonment.

One of the things which strikes the British reader most forcibly about this account of American prison life is the degree to which the outside community, and especially the press, obtrudes into the prison. It might be argued that there is an inherent value in this greater freedom if it enables the rights of the prisoner to be safeguarded with greater vigilance, but there is little in this book which stands to the credit of the press. The prisoner needs to be protected against the flashlight bulbs and whirring ciné-cameras as much as against the practices of the prison. Clearly some of this is explicable in terms of the political structure of Administration, and in the book there are references to bribery of the Parole Board officials and the dismissal of the prison sociologist for refusing to contribute to Party funds.

' Life Plus 99 Years ' will be widely read outside the field of professional criminology, but the question it poses is relevant for the consideration of all thinking citizens. It touches on the whole object of penal treatment. Is punishment or rehabilitation to be the end of imprisonment? Leopold was rehabilitated probably twenty years ago, certainly by the time he came before the Board in 1953. By almost any predictive criteria his chances of keeping out of trouble were virtually 100 per cent. The substance of the argument which led to his being given a further ' set ' of twelve years we are unlikely ever to know. As the number of non-capital murderers in British prisons begins to mount, it is clear that similar problems of parole decisions will begin to present themselves with increasing frequency in the years to come. It is to be hoped that we will tackle them with more common sense and humanity than has been shown in the case of Nathan Leopold.

TERENCE MORRIS.

THE SOCIETY OF CAPTIVES: A STUDY OF A MAXIMUM SECURITY PRISON. By Gresham M. Sykes. (Princeton, New Jersey: Princeton University Press. 1958. Pp. xx + 144, $3.50).

Into this brief volume Dr. Sykes has squeezed the findings of three years of observation of the New Jersey State Maximum Security Prison at Trenton. The objective of his study was broad. These years at the Trenton prison were intended '. . . to examine the prison from a sociological perspective, to see it as an operating social system which can clarify our ideas about man and his behavior, without introducing value judgments either for or against imprisonment.' There is also a gesture at an even larger frame of reference: ' In an era when a system of total power has changed from a nightmare of what the future might be like to a reality experienced by millions, questions concerning the theory and practice of total power take on a new urgency. Do systems of total power contain inherent pathologies . . . or is total power . . . a form of social organization as viable as more democratic modes? ' Dr. Sykes poses these momentous questions, but his analysis is modestly confined to the prison limits. Specifically, he has produced an exposition of the interaction between guards and inmates at the prison observed. Some useful insights about this interaction are set forth. But the forces at work between and among guards and inmates can be regarded as the ' operating social system ' of the prison in only a very special sense, which Dr. Sykes does not define for us. Before looking for the missing pieces, let us look at those parts of the social system which the author has put together.

His study begins with an economical but eloquent description of the grubby prison setting. The ancient smells and the dingy masonry are conjured up for us, as well as the ascetic routines of captor and captive. The author then proceeds to an analysis of the régime of the custodians. This régime is seen as divided into five tasks. In the order of their emphasis in the New Jersey régime, these tasks are custody, internal order, self-maintenance, punishment, and reform. Each of these tasks is described, with stress on the ambiguity of the social directives imposed on the custodians. This ambiguity has been resolved in favour of the prevention of escapes and riots. There is an accurate reflection of the preoccupations of most American prison wardens in this assignment of priorities. But at the time of this study, Trenton Prison had a social science theoretician in the warden's office in the person of Dr. Lloyd McCorkle. The author quotes at length the warden's rationale for custodial primacy. In the dour penology of McCorkle, the maintenance of aseptic social conditions far overshadows in reformative effect any of the psychological, educational or religious services of the prison. In his view, it is through the prevention of violence and exploitation and through enabling less hostile inmates to advance themselves that a favourable social climate is established. This is the task of the custodian; if he does his work well the prisoner can emerge with intact integrity. In effect, rigid compliance with prison regulations, it seems, will enable the offender to conform with social requirements upon release.

The flaw in the McCorkle theory, as its practice is described by Dr. Sykes, is that it does not work. Indeed, the author demonstrates to his satisfaction that it cannot work. Compliance with regulations cannot be obtained by guards from inmates who recognize no duty to obey the régime, such as would be found, for example, in the military service. For the guard, physical coercion and the threat thereof is of little value in enforcing his orders or in extracting more than a minimum of effort from working inmates. The ' pathetic collection ' of rewards and

punishments does not suffice for its purpose as an implement of power. The guard is therefore impelled to make informal transfers of power to inmates under his supposed control in order to comply with the demands made on him by the prison administration. In this way an informal inmate self-government comes to be established.

Dr. Sykes next turns to the ' argot rôles ' which inmates of prisons everywhere use to classify each other. In this colourful typology are listed such recognizable characters as *rats*, *centre men*, *gorillas*, *merchants*, *punks*, *ball busters*, and *real men*. It is these last who are the unsung heroes of the prison community. The *real man* is the inmate who ' pulls his own time ', who confronts his captors with neither subservience nor aggression. He endures the pains of confinement with all the dignity he can muster. The *real man* is an ideal incorporating the behaviour patterns admired in the inmate culture. Dr. Sykes sees in the term an antonym for the argot terms applied to ' alienative ' behaviour patterns. The responses of the *real men* to the conditions of prison life are cohesive and make possible a prison community which is more endurable, less severe for the total inmate population.

Thus an unstable equilibrium is set up. The guards transfer power to inmates who will tend to use it to minimize their deprivations. Such use will eventually bring about conditions which exterior society will not tolerate. Prison authorities will be compelled to ' tighten up ' and in consequence the cohesive forces of the *real men* will be undermined. This aggression by authority will be countered by the aggressive members of the prison community. A situation of tension is reached which may be followed by insurrection, but which must be inevitably relaxed. In support of this analysis, Dr. Sykes advances a study of the 1952 disturbances at Trenton. He thus constructs a hypothesis by which the rash of prison riots which swept the country in 1952–53 can be attributed to the prison reform measures of the forties. And from this sequence Dr. Sykes extrapolates a cycle as inevitable as a natural law. In his view, the inherent structural defects of the prison social system lead to crises. And because these defects are unalterable, any prison social system is basically unstable. This is a pessimistic conclusion, for what prison administrator in the management of so precarious a system of power can introduce effective measures of rehabilitation?

But perhaps the prospect is not as bleak as it is painted. Dr. Sykes allows that much more evidence and development is needed before his theory will stand for sure. Actually, it seems to this writer from his perspective as a prison administrator that Dr. Sykes's hypothesis is an elaboration of an axiom familiar to any captain of the guard, namely, ' it's a hell of a lot easier to slack off than it is to tighten up '. But though the axiom is self-evident, as axioms should be, the elaboration rests on some doubtful supports and omits a reconciliation of some momentous but conflicting factors.

The central support to the theory is the inevitable transfer of power from the rulers to the ruled. That this transfer has occurred, and not only in New Jersey, does not prove that it is inevitable. Nor is it proof to refer to the prisoner's lack of a sense of duty as a motive for compliance to the régime. Very likely such a transfer of power is probable in any prison community which is ruled by custody and custody alone. But few, if any American prisons are so administered. Nearly all rely heavily on release systems founded on the indeterminate sentence. Parole, conditional release, ' good time ', and the other apparatus of parole boards are no

inconsiderable sanctions. Through the system of board hearings and classification committees, of reports and recommendations, of records and card indexes, the real rewards and punishments gain substance for the prisoner. When this system is capricious, unrealistic, or inefficient, disaster is in the offing. Where it is reliable and operated with reasonable efficiency, inmates will generally ' go along ' with the régime. Whether this use of the release system serves the ends of rehabilitation is beside the point. It is certain that the ends of control are powerfully served.

If we now look at Dr. Sykes's exposition of the guard's social dilemma, we find no allowance for differentiation in the playing of this rôle. But there are numerous parts to be played in the subculture of the guard line. Perhaps they are not as colourful as the argot rôles of the inmate body, but the character of the prison community depends heavily on how they are played and by whom. This guard is a revered father-figure, that one is a detective *manqué*, over there is a time-serving oaf, and yonder is the eager beaver working feverishly for promotion. But Dr. Sykes assumes that guards are guards and must inevitably behave alike. Aside from their heterogeneity, guards vary in the leadership and training they are given, and even in the administrative conception of their function. The existence of pressures toward the corruption of the guard must be recognized by all concerned. But these pressures can be countered. They are not inherent structural defects in the prison social system. Where guards are corrupted, it is certain that they have been poorly selected, trained and supervised.

A further source of over-simplification is the omission of the administrative, medical, counselling, educational and religious staff from consideration as members of the prison community. In Dr. Sykes's analysis this not inconsiderable constituency is relegated to the status of imponderables. But the weight of the prison medical officer, the supervisor of education, the chaplain, to say nothing of the warden himself, is of tremendous importance to inmate and guard alike. Where, as in many prisons throughout the United States, the professional personnel of the prison is allowed through the gates on sufferance only, an emphasis on the punitive functions of the prison will be found, and the positive elements in the guard force will have little scope. But where there is mutual understanding and co-operation, under the leadership of a warden who has the respect of both the professional and uniformed groups, the destructive and cynical time-server on the guard line either mends his ways or gets out in grumbling disgust. We learn nothing from Dr. Sykes about the status of the professionals at Trenton Prison except that Warden McCorkle thought them not very important.

So this is a study of a maximum security prison, incomplete and over-simplified. Though it is a welcome furrow in a field which has too long lain fallow, its lack of depth may not be appreciated by a reader unfamiliar with the dreary interior reaches of the American cell-block. Its assertions are airily positive, but unaccompanied by data or detailed reports of observation. Some of its ideas will be of interest to future writers who, let us hope, will not content themselves with fragmentary studies. For the study of the prison social system comparable to the work of Stanton and Schwartz or of Caudill in the field of the mental hospital remains to be written. It will be a task as fascinating as it will be arduous for the sociologist who undertakes it.

JOHN P. CONRAD.

REVIEWS

THE RESULTS OF PROBATION. A Report of the Cambridge Department of Criminal Science. Edited by L. Radzinowicz. (London: Macmillan & Co. 1958. Pp. 112. 21s.)

'The Results of Probation' is the latest of the volumes in the well known 'English Studies in Criminal Science' which have emanated from the Law Faculty in the University of Cambridge in recent years. At the outset it is important to note that this is essentially a statistical study of the degree to which offenders placed on probation succeed in avoiding reconviction in the three-year period following the expiry of their orders. Statistics by themselves do not on the whole make very absorbing reading, but in this book they are interspersed by a commentary.

In 1947 the Probation Division of the Home Office, together with the Middlesex Probation Committee, arranged with the Criminal Record Office at New Scotland Yard to collect information relating to probationers with a view to its being used for the evaluation of probation as a method of treatment. These records covered persons placed on probation for indictable offences in London and Middlesex during the period January 1948 to December 1953. In this way data was obtained on some 4,316 adult and 5,020 juvenile offenders. The newest material is thus about five years old but, as Dr. Radzinowicz explains in his introduction, the project was overlapped by the much larger study of sex offenders recently published.

The book is divided into three parts. Part I is entitled 'Assessing the Effectiveness of Probation' and Parts II and III deal in detail with adult and juvenile probationers' records, but only in terms of legally significant behaviour whilst the orders were in force and whether the offenders were subsequently reconvicted. We learn from the tables that the general rate of 'success' for adults was 73·8 per cent. and for juveniles 62·4 per cent. For females, however, the success rate was appreciably higher, 83 per cent. and 64 per cent. This would seem to confirm the general experience that not only do women get into trouble less frequently than men, but that they respond to treatment better. Juveniles on the whole do far less well than adults, presumably as a consequence of the fact that, criminogenically, adult probationers are likely to include a high proportion of first offenders whose recovery rate is high, while amongst the juveniles are numbered not a few who will gravitate to approved schools, Borstal and prison.

This is a very disappointing book in more ways than one, and criticisms must relate both to the objectives of the study and its methodology. Anyone looking for a British counterpart to Rumney and Murphy's 'Probation and Social Adjustment' is advised to await some other research. Although it is notoriously difficult to assay any social treatment, an attempt must be made. Because there is no attempt here to evaluate the casework aspect of probation there is no way of knowing that the criteria of success used—reconviction or its absence—are not indicating the effect of other factors such as the shock of appearance in Court.

> 'Thus while the results are better for women than for men, and for older than for younger offenders, probation emerges unquestionably as a generally effective measure of treatment whatever the age and sex of the offender happened to be'.

There is, unfortunately, nothing whatever in this book to support this statement. It is based on a rather naïve assumption that because a certain method of treatment is adopted subsequent events must be a consequence of that treatment.

Without a much closer look at the actual *experience* of probation in terms of its effect upon the individual offender, we simply cannot say what the ' results ' of probation are. In this instance probation has been studied rather like a medicine administered to a group of sick people and observations have been made as to what percentage get better and what percentage relapse. Such a procedure offends against the most elementary canons of scientific method. The criminality of the offenders is not a unitary phenomenon, like a given strain of malaria, and the treatment, far from being a constant, varies with each individual probation officer to whom a whole range of casework techniques are open. How can an assessment of probation be made if there is not a prior definition of what it involves? By itself, reconviction is of very limited value as a criterion of ' success ', if only because criminality is often only one of a constellation of anti-social traits not all of which are the concern of the criminal law.

The statistical techniques used in ' The Results of Probation ' consist solely in the tabulation of percentages. Nowhere can one find the most passing acquaintance with the method of correlational analysis which is a commonplace in modern social research and would have provided more useful material in this particular case.

As in the recent study of sex offenders, there is no mention of any other work in this field to which the serious student might refer, and some will see in this a departure from the traditions of academic scholarship in which other literature is mentioned in order to place the current study in its context in the field as a whole. Lack of an index and of any numbering to the tables in the main text will no doubt irritate some readers. TERENCE MORRIS.

THE PROBLEM OF ' THE PROBLEM FAMILY '. By A. F. Philp and Noel Timms. (London: Family Service Units. 1957. Pp. 77. 7s. 6d.)

THE PROBLEM FAMILY. Four lectures by W. E. Cavenagh, T. A. Ratcliffe, T. G. Rankin and A. F. Philp. (London: I.S.T.D. Publications. 1958. Pp. 40. 3s.)

FAMILIES WITH PROBLEMS. Some Proposals for a Family Service and for changes in Juvenile Court Procedure based on evidence submitted to the Ingleby Committee by the Council for Children's Welfare and the Fisher Group. (London: Council for Children's Welfare. 1958. Pp. 36. 2s.)

One of the minor myths of our age is on the point of being exploded: the myth of the problem family. Like other myths this one has a traditional element; the social problem group is believed to be a natural ingredient of human society. It also contains an element of the spirit of the age: there is the nineteenth century condemnation of the weak-willed, or the present-day detestation of those who will not play the game of welfare-state administration. Like other myths, this one is different from ordinary tales in that it is believed to be substantially true. The publication of ' The Problem of " The Problem Family " ' is to be welcomed as the pin-prick that is bringing about the deflation of this myth.

The authors, in an extensive survey of existing publications, come to the conclusion that there is no definition of the essential characteristics of these families, and that the descriptions include such varied aspects as ways of living, child neglect, and a wide range of personal defects. In fact, the group of people labelled ' problem families ' is shown to have few common traits, and certainly none that would differentiate them as unique or essentially different from other social groups. The administrative view-point and the approach of the social worker as found in existing

literature are ably analysed, and the question of treatment of problem families is discussed. It is here perhaps that the method of merely surveying the literature is less appropriate, and a critical examination of the values of different approaches in treatment policy would have been welcome. Finally, the difficulties are discussed of doing any research without a general sociological theory at hand on which to base it. One wonders, however, whether the demand for a general theory is justified before embarking on the field work; on the contrary, certain principles might be established on the basis of properly carried out research. Indeed, the final paragraph of the publication calls for an increase of our knowledge concerning this very heterogeneous group of people, not merely on the symptomatic level but also on the level of intra- and extra-familial relationships among problem families and, for comparative purposes, in society in general. The book has an excellent and extensive bibliography.

The I.S.T.D. publication on ' The Problem Family ' contains four lectures given at a conference in 1957. Three of them were delivered by people actively engaged in treatment; and one is an account by a lecturer in social studies, who is also a magistrate, of the problem family in the courts. Dr. Ratcliffe, a psychiatrist, deals with personality factors and bases his understanding of the problem family on the concept of a basic immaturity. Within this limitation his observations on relationship patterns and the need for a skilled psychiatric social service are interesting and very valuable. But one wonders whether all families at present labelled problem families are victims of retarded character development? On the basis of work done in Cardiff it would seem that many became problems only because of a combination of low incomes, large numbers of children, and the absence of support from kin. The fathers of these families all had regular work records. Mr. Rankin, senior psychiatric social worker to a public health department, and Mr. Philp, leader of the Liverpool Family Service Unit, both offer a wealth of practical experience in tackling the question of problem-family relationships to the social services. While Mr. Rankin is primarily concerned with the services, Mr. Philp makes his audience see the problem family from within. Mr. Rankin combines a timely warning to social workers to extend their tolerance towards administrators with the hope that in time the administrators will approach the problem family as yet another category of the handicapped. He proposes an extension of present case-work methods to include a variety of other workers under supervision of fully trained social workers. Mr. Philp, too, in an attempt to use limited resources in the widest way, suggests the rôle of consultant for the experienced case worker. His case histories show a depth of insight and demonstrate the development in approach since the early days of work with bombed-out families. Mrs. Cavenagh draws from her experience on the Bench and discusses the dilemma society faces on finding that problem families are often law breakers. The courts, however, cannot always deal with them as the social worker would wish, but have to ' administer the law as it stands; to decide between the opposing parties on the evidence offered and, within the limits of what they are empowered to do, to make an order relating to the defendant which is relevant to the case presented '. This careful account of present conditions does not attempt to offer suggestions for legal reform. The I.S.T.D. is to be congratulated on this excellent publication.

The pamphlet ' Families with Problems ' takes us from the field of analysis

and treatment to that of legal reform. It contains proposals which had been submitted to the Ingleby Committee by the Council for Children's Welfare and the Fisher Group. Part I is concerned with an enlargement of the powers of the children's departments, so as to enable them to carry out preventive work with families who are showing signs of child neglect. To make such work effective, it is suggested that it should be done on the family level. The burden of a number of services at present undertaken by other departments (such as school welfare and school attendance) would probably be minimized by intensive work within the total family situation. Here, too, we find the proposal that skilled case-work training will be necessary only for the supervisory positions. For anyone acquainted with the difficulties at present encountered by those working in the field of prevention these proposals seem the natural development of the ideas embodied in the 1948 and 1952 Acts. Part II deals with proposals concerning reform of court proceedings, and here we enter more controversial grounds. Although both the Fisher Group and the Council for Children's Welfare agree on the necessity for reform and the broad principles to be followed, they make separate proposals for legal changes. Both groups agree that the age of criminal responsibility should be raised to school leaving age, one suggests to 15, the other to 16 years, and both expect to find the total amount of delinquency considerably reduced through the introduction of a preventive family service. The Fisher Group, however, proposes an additional informal Parents' Consultation Committee which should act as a ' sieve ' for certain cases of children who have to be brought before a special Children's Court as ' being in need of care or protection, guidance or discipline '. But is such an informal committee really necessary in addition to the proposed family service, within the framework of which informal consultation should be possible? The Council for Children's Welfare, on the other hand, rely on the proposed family service in the first instance, and suggest that only when parents refuse to attend this service, or in cases of disagreement, a special Family Court should be made responsible for all legal matters (ranging from adoption to matrimonial disputes) arising within the family. Neither of the groups deals with the question of who should make the final decision concerning treatment once a child has been found in need of care. Would not the happiest solution be a clear committal order to the designated officer of the proposed family service, who could then make the most appropriate choice for the child? If the approved school were lifted out of the criminal setting and placed in the educational system, this choice could then be made entirely on the basis of the child's needs; the approved school with its controlled environment serving some, and the children's home others, with various disabilities and emotional maladjustment catered for in special schools.

All three publications should be of particular interest to readers of this *Journal*, since problem families have long been known to be closely associated with delinquency. HARRIETT C. WILSON.

COURTS FOR ADOLESCENTS. By Hermann Mannheim. (London: Institute for the Study and Treatment of Delinquency. 1958. Pp. 24. 1s. 6d.)

The continually increasing involvement in crime of 17- to 21-year-olds is a disturbing present-day feature. In this particular age group, offences of violence against the person and breaking and entering offences have risen to an alarming degree. Why has this occurred? What should be done about it?

In this pamphlet, Dr. Mannheim points out that, so far, no agreement has been

reached about the causes of this phenomenon. The usual reference to the post-war aftermath does not suffice. As to the cure, he reminds us that already much is done in the way of treatment. Borstal is a sentence for this specific age group. Imprisonment cannot be imposed by lower courts unless they have first considered other possible sentences. The use of probation has, however, decreased proportionately for this age group.

Dr. Mannheim proposes that special Courts for Young Adults should be set up in this country, and he goes into many relevant details. Furthermore, he relates the experiences and explains the constitution of such courts in New York and Chicago. His scheme would not require special buildings. But he pleads for specially selected magistrates and judges, sitting on different days from that of the adult criminal court. Specially selected and well-trained probation officers would also be required. He proposes that trial by jury might be dispensed with more frequently, with the consent of the accused in a Magistrates' Court composed of a professional lawyer and two lay justices. This recommendation Dr. Mannheim makes on the grounds that trial by jury, with all the formalities attached, is not a suitable one for young adults.

Proceedings, according to Dr. Mannheim, should be in private, except at the request of the defence or where the court orders a public trial for special reasons. The Court for Young Adults would be competent to deal with all charges, save that of murder. Interestingly enough, at the present time at London Sessions which in fact sits continually, at the beginning of either the General Sessions or Adjourned Sessions—making a total of fourteen times a year—one court takes a whole day to sentence young men of this age group who have been sent from Magistrates' Courts with a view to the suitability of Borstal sentence, after a finding of guilt. This means that one judge deals with all these cases and has a ' young adults' day '. I would commend it for the smooth way in which judge, probation officers, Prison Commissioners (through their Reports) and counsel combine to try and find the sentence most suitable to each young person before the court.

In their Annual Reports, the Prison Commissioners stress the numbers of young persons committed to prison on remand before conviction and trial but not subsequently sent to prison. Eventually remand centres will be built. As Dr. Mannheim states, the situation could be improved now by the wider use of bail.

Many of us who gave evidence before the Ingleby Committee suggested that Juvenile Courts should deal with young people up to 18 years of age. Dr. Mannheim obviously does not consider this reform sufficiently drastic. In this he is right. The overcrowding in some of the Metropolitan Juvenile Courts is shocking. Chelsea Juvenile Court, for instance, could never, with its continuing impossibly long Wednesday lists, deal with one more year in the age range. The present intolerable conditions would completely break down. That court needs to sit now on at least one other day per week if the list is to be got through and faith kept with the intentions behind the Children and Young Persons Act, 1933.

In many cases where 17–21-year-olds are involved, they are charged with older persons. I think it extends the principle of special courts too far to carry out the author's suggestion that, if the older persons are below say 23 years of age, all of them should be brought before the Young Adults Court. The view-point of special courts for juveniles has been decidedly accepted in this country; the age at which juveniles should be brought before a court at all is not the issue here.

The idea of a special Court for Young Adults involves new principles which,

even if they have been successfully implemented elsewhere, will only slowly be accepted here. Many of us will need more convincing. To say this means, of course, that our minds are not irrevocably closed to the views so eloquently propounded by Dr. Mannheim in this pamphlet. JEAN GRAHAM HALL.

PSYCHOPATHIC PERSONALITIES. By Prof. Kurt Schneider, formerly Director, Psychiatric and Neurological Clinic, University of Heidelberg. Translated by M. W. Hamilton, B.A. (London: Cassell. 1958. Pp. 163. 18s.)

This book is in two parts; the first outlines the relevant German literature and propounds the author's theoretical conception of psychopathic personality; the second puts forward a typology comprising ten forms of psychopathic personality. It was written in 1923, and though there have been nine editions in German and some few references added as late as 1949, it remains very much in its original form. We owe this valuable first English edition to the initiative of Prof. E. W. Anderson of Manchester University.

Schneider's object is to contest the assumption by 'students of the psychoanalytic schools and of psychogenic breakdown . . . that there are no constitutional psychopaths and that abnormal personality may be sufficiently explained in terms of psychological development alone'. If there are any who believe that constitution counts for nothing (Freud himself never did) the book will be a salutary corrective. For those who already invoke both environmental and genetic factors it does no more than replace one sort of confusion with another. While he leaves the door ajar for psychogenesis—'factors environmental to the foetus or the baby have a share in building up personality . . . Education, personal history and events must be taken into account and have their effect in turn on potentiality and basic characteristics'—he arbitrarily and firmly states 'the primary aetiology is a genetic one'. Until some evidence is forthcoming we must take it or leave it. If we are orientated towards prevention we may well decide to leave it.

It is of interest that in developing his theory he is forced into the same difficulties as the analysts; while they visualize an ego, id and super ego, Schneider has 'organic strata on which every personality ultimately rests'.

Nevertheless, he has a way of being right. As long ago as 1923 he opposed Kretschmer's belief that psychopathic personalities might be minor forms of psychosis. Subsequent work, especially that of Slater with twins, supports Schneider, and certainly his insistence on normality being used as the 'factual average', his rejection of moral values and his conception of psychopaths as 'abnormal personalities who because of their personality anomaly readily come into conflict with life', either suffering themselves or causing society to suffer, add some clarity to a difficult subject.

He warns against labelling a patient as psychopathic and then withdrawing, with an air of resigned fatalism, without consideration of content, motivation, personal history and the possibility of psychotherapeutic influence. His very outlook on psychotherapy is condign—'If any experience can take effect psychotherapy has a chance, since it itself is an experience'. On the other hand, 'we may get lost in all the personal conflicts of our patients and overlook the disposition and the vulnerable personality, hidden reefs on which our therapy may founder"

As to his ten-fold typology, it is better regarded as an object lesson in brilliant clinical observation than as a practical classification of psychopaths.

P. D. SCOTT.

REFERENCES

(Compiled by W. Litauer)

CRIMINOLOGY

DAVID REIFEN: ' Protection of Children Involved in Sexual Offences: A New Method of Investigation in Israel ', *The Journal of Criminal Law, Criminology and Police Science*, September-October, 1958, **49,** 3, 222–230.

S. DIMITZ, W. C. RECKLESS and B. KAY: ' A Self Gradient Among Potential Delinquents ', *The Journal of Criminal Law, Criminology and Police Science*, September–October, 1958, **49,** 3, 230–233.

STAFFORD DERBY: ' Crime News Writing and its Rôle as a Crime Stimulant ', *National Probation and Parole Association Journal*, October, 1958, **4,** 4, 320–327.

GILBERT GEIS: ' Publicity and Juvenile Court Proceedings ', *National Probation and Parole Association Journal*, October, 1958, **4,** 4, 333–355.

LUCIEN AUBE: ' International Tricksters ', *International Criminal Police Review*, November, 1958, **13,** 122, 258–276.

J. HAMELIN: ' La Repression des Infractions Involontaires ', *Revue de Droit Pénal et de Criminologie*, November, 1958, **39,** 2, 79–87.

R. LEGROS: ' Considérations sur les Délits d'Imprudence ', *Revue de Droit Pénal et de Criminologie*, November, 1958, **39,** 2, 109–135.

E. DUMONT: ' A Propos de L'Ivresse au Volant ', *Revue de Droit Pénal et de Criminologie*, January, 1959, **39,** 4, 348–351.

S. V. Le 5e Congres Internationale de Defense Sociale (Stockholm, 1958), Resolutions, *Revue de Droit Pénal et de Criminologie*, January, 1959, **39,** 4, 362–367 and 368–369

' Prevention of Crime and the Treatment of Delinquents. U N Conference of the European Consultative Group, held in Geneva, August, 1958 ', *World Mental Health*, November, 1958, **10,** 158–69.

PENOLOGY

R. N. DOWNEY and E. I. SIGNORI: ' The Selection of Prison Guards ', *The Journal of Criminal Law, Criminology and Police Science*, September–October, 1958, **49,** 3, 234–236.

ALBERT EGLASH: ' Adults Anonymous; A Mutual Help Program for Inmates and Ex-Inmates ', *The Journal of Criminal Law, Criminology and Police Science*, September–October, 1958, **49,** 3, 237–239.

BERNARD KOGON: 'Probation Camps', *Federal Probation*, September, 1958, **22,** 3, 34–41.

SHELDON GLUECK: ' Techniques de Prévision dans la Prévention et le Traitement de la Délinquance', *Revue Internationale de Criminologie et de Police Technique*, September–December, 1958. **12,** 4, 241–247.

PAUL CORNIL: ' Le Régime de la Détention Préventive ', *Revue Internationale de Criminologie et de Police Technique*, July–September, 1958, **12,** 3, 161–171.

MICHEL GRESSOT: ' Valeur Psychologique de la Paine ', *Revue Internationale de Criminologie et de Police Technique*, July–September, 1958, **12,** 3, 172–176.

SERGIO JACOMELLIA: ' Valeur Psychologique de la Paine ', *Revue Internationale de Criminologie et de Police Technique*, September–December, 1958, **12,** 4, 270–283.

PSYCHIATRY

LEO GOLD: ' Towards an Understanding of Adolescent Drug Addiction ', *Federal Probation*, September, 1958, **22,** 3, 42–48.

JAN GREGORY: ' Studies of Parental Deprivation in Psychiatric Patients ', *American Journal of Psychiatry*, November, 1958, **115,** 5, 432–449.

E. S. Myers: 'The Royal Commission and the Psychopath', *The British Journal of Psychiatric Social Work*, 1958, **4**, 4, 27–34.

L. Eisenberg, B. Marlowe and M. Hastings: 'Diagnostic Services for Maladjusted Foster Children', *American Journal of Orthopsychiatry*, October, 1958, **28**, 4, 750–764.

J. Delay, P. Deniker and R. Baranbe: 'Étude Medico-Légale et Psychiatrique sur la Délinquance Épileptique', *Revue Internationale de Criminologie et de Police Technique*, July–September, 1958, **12**, 3, 182–186.

Jakob Wyrsch: 'Über Psychische Norm und ihre Beziehung zur Urteils und Zurechnungsfahigkeit', *Schweizerische Zeitschrift für Strafrecht* (*Revue Pénale Suisse*), 1958, **73**, 4, 382–400.

PSYCHOLOGY

A. R. Crane: 'Pre-Adolescent Gangs and the Moral Development of Children', *The British Journal of Educational Psychology*, November, 1958, **28**, Part III, 201–208.

T. C. N. Gibbens: 'The Porteus Test and Delinquency', *The British Journal of Educational Psychology*, November, 1958, **28**, Part III, 209–216.

C. Burt: 'A Note on the Theory of Intelligence', *The British Journal of Educational Psychology*, November, 1958, **28**, Part III, 281–282.

J. L. Van Nypelseer: 'Notes sur la Psychologie de L'imprudence', *Revue de Droit Pénal et de Criminologie*, November, 1958, **38**, No. 2, 136–142.

A. L. Foster: 'A Note Concerning the Intelligence of Delinquents', *Journal of Clinical Psychology*, January 1959, **15**, 78–79.

René Paillard: 'Le Témoignage de L'Enfant et de L'Adolescent', *Revue Internationale de Criminologie et de Police Technique*, September–December, 1958, **12**, 4, 261–269.

Hans Von Hentig: 'Beissen, ein Atavismus des Angriffs und der Abwehr', *Monatsschrift für Kriminologie und Strafrechtsreform*, December, 1958, **41**, 7/8, 225–234.

PSYCHOTHERAPY

Seymour Parker: 'Leadership Patterns in a Psychiatric Ward', *Human Relations*, 1958, **11**, 4, 287–300.

D. Stock, R. M. Whitman and M. A. Lieberman: 'The Deviant Member in Therapy Groups', *Human Relations*, 1958, **11**, 4, 341–371.

L. Hollander: 'The Treatment of Drug Addicts as Voluntary Outpatients', *American Journal of Orthopsychiatry*, October, 1958, **28**, 4, 714–730.

L. M. Leurs and J. W. Osberg: 'Observations on Institutional Treatment of Character Disorders', *American Journal of Orthopsychiatry*, October, 1958, **28**, 4, 730–749.

Christian Mullar: 'Les Thérapeutiques Ana ytiques des Psychoses', *Revue Francaise de Psychoanalyse*, July–August, 1958, **22**, 4–5, 575–647.

Leonard Bloom: 'Some Problems in the Psychotherapy of Children', *International Journal of Social Psychiatry*, Winter, 1958, **4**, 3, 203–210.

C. M. Fleming: 'Participation as a Therapeutic Agent', *International Journal of Social Psychiatry*, Winter, 1958, **4**, 3, 214–219.

JUVENILE DELINQUENCY

H. A. Prins: 'Juvenile Offenders and the Law, Retrospect and Prospect', *Case Conference*, November, 1958, **5**, 6, 152–157.

Otto Wiefert: 'Young Traffic Offenders', *International Child Welfare Review*, 1958, **12**, 3, 103–109.

S. V. Le 5me Congres de L'Association Internationale des Juges des Enfants (Bruxelles, 1958). Resolutions, *Revue de Droit Pénal et de Criminologie*, January, 1959, **39**, 4, 352–355 and 356–358.

Norah M. Brown: 'Juvenile Delinquency—An Essay in Comparison', *International Journal of Social Psychiatry*, Winter, 1958, **4**, 3, 185–196.

SOCIOLOGY

JOHN MAYS: ' Urban Family and Social Life ', *Case Conference*, November, 1958, **5**, 6, 134–141.

RUDOLF DREIKURS: ' The Cultural Implications of Reward and Punishment ', *International Journal of Social Psychiatry*, Winter, 1958, **4**, 3, 171–178.

DORIS THODAY: ' Residence and Education in Civic Universities ', *International Journal of Social Psychiatry*, Winter, 1958, **4**, 3, 220–227.

SOCIAL THERAPY

CHRISTOPHER HOLTON: ' The Rôle of the Professional Caseworker in a Residential Setting ', *Case Conference*, November, 1958, **5**, 6, 141–147.

ELSIE L. THOMAS: ' Social Care of the Mentally Ill: Hospital and Local Authority ', *The British Journal of Psychiatric Social Work* ', 1958, **4**, 4, 5–11.

JOHN S. HEAP: ' Community Care ', *The British Journal of Psychiatric Social Work*, 1958, **4**, 4, 12–16.

LAW

ANON: ' With Malice Aforethought: R. *v.* Vickers Reconsidered ', *The Criminal Law Review*, November, 1958, 714–722.

P. C. HUBBARD: ' Corroboration of the Evidence of a Co-prisoner ', *The Criminal Law Review*, November, 1958, 728–733.

A. J. CHISLETT: ' Recognisances and Conditions ', *The Criminal Law Review*, November, 1958, 734–739.

J. P. EDDY: ' The New Law of Provocation ', *The Criminal Law Review*, December, 1958, 778–785.

ANON: ' Crime and Crown Privilege ', *The Criminal Law Review*, January, 1959, 10–18.

R. D. MARGRAVE-JONES: ' Taking Other Offences into Consideration—The History of the Convention ', *The Criminal Law Review*, January, 1959, 18–26.

RUPERT CROSS: ' Hill v. Baxter and the Law of Evidence ' (Concerning the Defence of Automatism), *The Criminal Law Review*, January, 1959, 27–38.

CH. BEDEL: ' Protection of Patients Against Fatal Prescription ', *International Criminal Police Review*, October, 1958, **13**, 121, 232–238.

YVES CHESIN: ' A Propos des Limites D'Âge dans le Code Pénal Suisse ', *Revue Internationale de Criminologie et de Police Technique*, September–December, 1958, **12**, 4, 248–260.

MARE DONNIER: ' Les Infractions Continues ', *Revue de Science Criminelle et de Droit Pénal Comparé*, October– December, 1958, **13**, 4, 749–767.

' Egypt: Loi Relative à la Lutte contre la Prostitution ', *Revue Abolitionniste*, November–December, 1958, **83**, 173, 88–90.

JEAN GRAVEN: ' L'Emploi du Magnétophone dans la Procedure Pénale, *Schweizerische Zeitschrift für Strafrecht* (*Revue Pénale Suisse*), 1958, **73**, 4, 361–381.

CECIL W. FRENCH: ' Legal Aspects and Implications for Local Health Services ', *The British Journal of Psychiatric Social Work*, 1958, **4**, 4, 17–23.

GLANVILLE WILLIAMS: ' " Mercy Killing " Legislation—A Rejoiner ' *Minnesota Law Review*, 1959, **43**, 1–12.

HERMANN MANNHEIM: ' Some Aspects of Judicial Sentencing Policy ', *Yale Law Journal* 1958, **67**, 961–981.

HERMANN MANNHEIM: ' Comparative Sentencing Practice'. *Law and Contemporary Problems*, 1958, **23**, 557–582.

EDUCATION

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L. B. PEKIN: ' Education through Community ', *International Journal of Social Psychiatry*, Winter, 1958. **4**, 3, 178–184.

'The Work of Kurt Hahn', *International Journal of Social Psychiatry*. Winter, 1958. **4**, 3, 197–203.

M. Y. TYERMAN: 'A Research into Truancy', *The British Journal of Educational Psychology*, November, 1958, **28**, Part III, 217–225.

SEXOLOGY

L. J. WEST, W. T. DOIDGE and R. L. WILLIAMS: 'An Approach to the Problem of Homosexuality in the Military Service', *The American Journal of Psychiatry*, November, 1958, **115**, 5, 392–402.

F. J. M. WINZENRIED and W. RASCH: 'Homosexuelle Handlungen mit Jugendlichen als Symptom einer Persönlichkeitsveränderung', *Monatsschrift für Kriminologie und Strafrechtsreform*, November, 1958, **41**, 7/8, 195–218.

D. H. GIESE: 'Die Fachärzliche Behandlung Sexualdelinquenten', *Monatsschrift für Kriminologie und Strafrechtsreform*, November, 1958, **41**, 7/8, 219–225.

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